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**The regulation of nightlife and the  
production of social differentiation:  
regeneration and licensing in Southview**

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2002**

## **Abstract**

This thesis attempts to address the reasons why, in the anonymous case study of Southview, a 'night-time economy', based around the consumer demands of a young white population, came to predominate in an area largely defined by its African/Caribbean population and the cultural forms arising from that population. It examines the interrelationship between culture, economy and law. Specifically, this involves examining the interface between the different cultural forms and meanings of nightlife, forms of regeneration initiatives and licensing law and practice in the locality. The research uses an anonymous case study to examine these interrelationships through a combination of ethnographic techniques, semi-structured interviews and documentary sources.

Chapters One and Two deal with relevant literature, methodology and research design. Then, the research findings are presented in an approximation of a chronological order, whilst examining the key processes involved in the change and transformation of nightlife spaces. Chapter Three explores the way in which historical conflicts defined and bound the locality. Chapter Four examines the conflicts emerging from economic development plans and the differing interpretation given by different populations. Chapter Five outlines the conflicts and dynamics involved in the development of the 'night-time economy' in Southview. Chapters Six and Seven explore the issues of subjectivity and differentiation that arise in the formal and informal processes of licensing law and practice. The conclusion attempts to examine the interrelationship between culture, economy and law in explaining both the process of change and the reproduction of social differentiation.

While the research found that there were no long-term strategic plans to convert nightlife spaces in the area, a conjunction of local institutional subjectivities, practices and legal or regulatory strictures served to re-orientate or 'normalise' local nightlife, and in the process eliminate or exclude some of the key cultural forms of the Afro-Caribbean population. This involved a number of interrelated processes. First, the evolution of a racialised problematisation of the locality that impacted upon the development and marginalisation of forms of black entertainment. Second, a combination of regeneration and policing initiatives aimed at normalising and reclaiming unregulated space, although to different degrees of intent. Third, the application of licensing law and its local interpretation that reproduced and concretised this process of differentiation. Finally, the impact of the growth of a population of young professionals who were overwhelmingly represented in the new night-time economy and who exhibited specific forms of spatial consciousness. The interrelationship of such multi-causal processes, it is argued, highlights the importance of complexity in explanation, in that separate elements of the whole are largely unrelated and unconscious of the other. However, the impact of such processes served to create new social differentials based on an evolving combination of class and racial exclusion, and in doing so sideline the potential of experimentation and diversity within nightlife spaces.



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## PREFACE

Since the eighteenth century in the British context, the spaces of ‘night culture’ have been understood as a social problem, as a site for deviant behaviour. Although the problem of alcohol consumption had an even longer legal history (Webb and Webb 1903), entertainment licensing law essentially dates from 1752 with the passing of the Disorderly Houses Act which innovated new forms of regulation within a 20 mile radius of London. Consistent to all discussions both at the time and since, the ‘problem’ of nightlife was largely connected in different ways to the entertainment of the ‘lower orders’, whether this was expressed in class terms (Fielding 1951), as ‘sinful’ (Burke 1942:v), as a product of the dark spaces of the city (Lovatt 1996) or in racial terms (Kohn 1992). In the post war period, such discussions centred around the cultural practices of youth as deviance (Becker 1963, Young 1971), although with limited impact on licensing which had been consolidated in a strict regime of supply and closing times (Lovatt 1996). In other words, as expressed by Lovatt, nightlife expressed a sense of ‘otherness’ that had to be ‘regulated and contained’ (1996:143-144).

The study of the regulation of nightlife has been largely invigorated by new relations established in the response to rave culture in the late 1980s (Collin 1997, Garratt 1998). Themes of deregulation (Baggott 1990), the new cultural and night-time economy (Lovatt 1996), the study of the production and use of space (Harvey 1995, Zukin 1989), and the commodification of youth cultural forms (McRobbie and Thornton 1995, Thornton 1995) all, in different ways, attempted to capture the new social relations and forms of regulation emerging. A key inspiration for this thesis, therefore, is the attempt to grasp these processes

in relation to the changing nature of nightlife and the spaces of nightlife, confirmed by a more personal experience of those changes from around 1980 onwards.

In addition, as explored in Chapter One, licensing law has again become a contested issue. Partly as a product of the changes described above, central government published a White Paper on licensing reform (Time for Reform 2000) which precipitated renewed conflict around the development of the night-time economy, particularly in central London boroughs such as Westminster. In parallel, new academic research has been developing to explore policy or regulatory solutions to the ‘problems’ posed by the night-time economy, particularly drunkenness, violence and fear (Hobbs and Hall 2000, Thomas and Bromley 2000). In this context, and explored in the Conclusion to this thesis, it seemed important to both explore the evolution of the night-time economy within the framework of new debates around law and regeneration, and repose the problem of regulation as one which can exacerbate, rather than solve, the problems identified above.

In an MA thesis based around the night-time economy in Brighton in 1996 I attempted to outline some of those impulses towards deregulation and the way in which they undermined a static legal relationship to hours and the problematisation of youth culture. I was interested, and others have since independently developed such ideas elsewhere (Lovatt 1996, Chatterton and Hollands 2002), in the way in which the incorporation of nightclubs into economic planning strategies had undermined their alternative status. Indeed such transformations had impacted upon their very nature, producing very different patterns of behaviour and understanding – a slavishness based around consumption. With the PhD I proposed to develop this research orientation by focusing on one locality in London.

Why Southview<sup>1</sup>? As I attempt to outline in Chapter Two, I previously lived in the area, and still had contacts there. It was therefore practical. I was also aware of discussions of change taking place there both in the pressing development of the centre as a ‘playground’ for nightlife and broader conflicts around regeneration. A suitable site to study the processes I was interested in. However, I was not prepared for what awaited me when I actually revisited the area in 1998. The centre had indeed been turned over to a nightlife playground, but a very specific kind. Indeed, it was the same as that which had been developed in Brighton and countless other places, but here the impact was very different. Why? Because it was a largely white clientele, huddled in the ‘down market chic’ bars, and the black population who had defined Southview for years were practically non-represented in this new economy. Such scenes in fact evoked thoughts of the racialised aspects of ‘gentrification’ discussed by Zukin (1991, 1996) or Davis (1990), and indeed such perspectives were expressed by many people I encountered in the actual research. The problem became a new one, therefore. It was not only that new forms of incorporation and regulation were obviously being innovated, but that for some reason they were taking a very specific form in Southview. Indeed, the attempt to understand the dynamics of this process became the main research focus of this thesis, and may serve to contribute to discussions taking place in Northern cities with regard to problems of segregation (Ministerial Group on Public Order and Community Cohesion 2001).

Through discussions with contacts, I settled on three foci for the research. First, an ‘ethnography’ in which I would visit or participate in the area’s nightclubs and bars, private

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<sup>1</sup> This is the pseudonym given to the area. The reasons for area anonymity are explored in Chapter Two.

parties and day to day activities and events. Moreover, I would interview club owners to access their perspectives and experience of new forms of regulation. Second, I would attempt to track down what appeared to many to be the source of the change or ‘problem’, the Southview Challenge Company Limited, and if possible also access perspectives from Southview Council. Third, I would access the licensing authorities in the area (the council and the police in particular). The design and process of the research are explored in Chapter Two. It became apparent, however, that I faced another problem which was that whatever was being said did not seem to accord with the nature of change or ‘lived realities’. Struggling with this problem, and attempting to understand its relationship to the social differentiation evident in the ‘night-time economy’, was key to this thesis and how the research developed. I have attempted throughout this thesis to make the various contradictions involved and the problems encountered transparent, as they are perhaps for myself the most interesting part of this research.

Chapter One of this thesis is ostensibly the literature review. However, given the ‘triangulatory’ nature of this research various different areas of theory, research and policy were relevant to developing the key research questions posed and methodological approaches, particularly in terms of understanding *process* in relation to social change. I also attempted, in the use of particular forms of literature, to keep the sources as ‘concrete’ as possible; that is, the understanding of process in relation to the research topic in terms of culture, space and licensing law. Therefore, although the perspectives of the Regulatory School (Lipietz 1986, Boyer 1990) were relevant to theorisation, a decision was taken to utilise the way in which such perspectives had been discussed in relation to the night-time economy (Lovatt 1996, Chatterton and Hollands 2002). Moreover, I wished to utilise sources that had thrown light on the process of differentiation. Consequently, the deviancy

school, the various forms of Foucauldian theory, and theories of ‘gentrification’ became key. It was also necessary in this chapter to review the specificities of licensing law and policy in the absence of a wide variety of critical texts.

Chapter Two is concerned with methodology and research design, process and analysis. It explores the use of a case study, the triangulation of research methods, and focuses on the particular issue of problems of access and ethical issues in relation to the research.

Chapter Three is an outline of the historical context guiding subjectivity and practice in Southview, specifically the way in which the locality became entrenched with racialised discourses and practices. It explores the evolution of structural and racial conflicts between the local African/Caribbean population and the local council and the police. The context for the 1981 ‘uprisings’ are explored, particularly in how they relate to the development of local, unregulated nightlife. The nature of and differing explanations for this nightlife are explored. A core feature of this chapter is to outline both how the area and its forms of entertainment became problematised and the way in which institutions resisted change.

Chapter Four begins to open up the process, context and conflicts arising from regeneration strategies. It starts by a consideration of the way in which the authorities sought to deal with the local unregulated nightlife through the conquest of problematised spaces. It then looks closely at the Southview Challenge Company Limited (SCCL), in particular the aims, intentions, and the form in which differences of opinion as to the nature and organisation of change were expressed. Such expressions are seen in the context of the ‘normalisation’ of Southview through the input of ‘outside’ sources of investment and the limits placed on local developmental initiatives.

Chapter Five attempts to trace the development of what has been dubbed the ‘night-time economy’ (to differentiate it from ‘nightlife’) in Southview. Specifically, this chapter asks to what degree did SCCL really influence the development of the night-time economy.

Whilst many of the spaces examined have their own ‘authentic’ or prior history, a key case study for understanding the influence of SCCL was the transfer of the Mango Public House to the StarBar. This illustrates the unwitting role of SCCL to some degree and also the key influential part played by the police. The chapter then goes on to examine the spatiality of difference, in patterns of entertainment, design and location, orientated towards a young professional middle-class clientele.

Chapters Six and Seven are taken together because in different ways they explore the transformation of the pattern and intent of control in the context of deregulation. Chapter Six deals with the formal licensing process and Chapter Seven with informal practices. It is in this sphere that various legal precedents and practices of the local council and the police express and reinforce the production of nightlife spaces, the nature of change and the reproduction of social differentiation; the latter concept designed to capture its spontaneous nature in the context of the interrelationship between culture, economy and law. The Conclusion takes these themes forward with an attempt to bring together an understanding of social change in relation to nightlife and how this relates to the reproduction of social differentiation.



## **ACKNOWLEDGEMENTS**

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## **CHAPTER ONE**

### **LICENSING, SPACE AND SOCIAL DIFFERENTIATION**

This thesis is concerned with two interrelated processes. First, the way in which, in what has variously been described as the ‘post-industrial’, ‘post-Fordist’ or ‘global’ society, the closure of ‘public’ space has become a dominant social force (Harvey 1985, Zukin 1996). In further clarification, ‘public’ space in the terms of the spaces of nightlife may alternatively be described as uncommodified or unregulated space, representing the twin processes of market colonisation and regulation which are the subject of this thesis. Second, the way this process has redrawn the nature of social divisions or differentiation (representing its spontaneous character) through the establishment of new techniques of ‘normalisation’. This latter term has been understood as the re-incorporation of deviant behaviours into mainstream society (Parker et al. 1998), but, as already stated above, suggests an absorption into those structures that frame this process.

This chapter will examine four sources of literature that have informed the direction of this thesis and to which the research may add. First, it will examine the conflicts inspired by deviancy theory in the post-war period and the way in which theorists have sought to redefine deviance through the use of Foucauldian theory. Second, the differential ways in which the commodification of culture has been theorised. In particular, this section will focus on the perceived transformation of the relationship between youth cultures and deviance on the one hand, and the theorisation of the colonisation of space on the other epitomised in the concept of ‘gentrification’. Third, the way these two developments have come together in the way the night-time economy has been analysed and promoted. Lastly, the way regulation itself is evolving at a national level, in particular the form which new

social differentiation takes in the new regulatory frameworks. For example, the way in which regulation is increasingly focused around the mobilisation of cultural distinctions and problem behaviours will be analysed.

## CHANGING CONCEPTS OF DEVIANCE

One of the key ways in which the process of the creation of new social divisions or differentiation has been understood is through the gains of deviancy theory. In one sense it is difficult to look at these theorists as one group because of the differing objects of their study. Some theorists (Becker 1963, Young 1971, Cohen 1973) were concerned with how youth culture had been located in an outsider status as a result of the new forms of consciousness and potentialities that those cultures represented (Keniston 1968, Erikson 1971, Roszak 1970, Willis 1978). As the field of study developed, the process of differentiation of class (Pearson 1983) and race (Hall 1978, Gilroy 1987, Solomos 1989) were examined. All referred back to the way the structural formation of capital and state, and the corresponding 'interests' that such structures gave rise to (Becker 1963) redefined the object of stigmatisation. The important methodological insights are twofold. First, the recognition that the formation of deviancy is a product of the interaction of different social forces. Becker (1963) focussed on the moral crusades initiated by the elite or the middle-classes, and how institutions inculcated such campaigns to substantiate their own organisational interests. Young (1971) analysed the way in which cannabis was criminalised due to its close association with subterranean values of hedonism and play, rather than the formal values of the work ethic. Cohen (1973) saw the mobilisation of social reaction, a moral panic (from politicians, the public and importantly the media) against the Mods and Rockers in Clacton 1964. Such a reaction, he argued, was bound up with the

identification of youth with the rejection of the strictures and conformity of class and the rational consumption of work and family in favour of the new classless and 'affluent' consumption concerned with leisure. In this analysis, therefore, it is the uncertainty in the face of change that instigates social anxiety and the mobilisation of opinion to create legal and policy initiatives to resolve the 'problem'. Hall's (1978) study of the 'mugging' panic outlined how the reaction to black culture and politics was ideologically connected to the broader questioning of the post-war order and the general feeling of the 'threat to state' (1978:222) in the early 1970s.

Second, that the formation of deviancy, as suggested in Becker's idea of sequential analysis, must be studied as a *process*. An individual had to pass through several stages of interaction before the label of 'outsider' could be applied. These stages could be accessed by the researcher through particular methods of analysis, such as ethnography and the interview. Although such techniques could never offer more than an outline of the social interaction involved (Becker 1963), such observations popularised analysis of the historical processes that created and reproduced social divisions and relations of power (Thompson 1963).

Deviancy theory has been criticised from two different perspectives. The realist critique, for example, argued that such theories were either irrelevant or misplaced in pragmatic policy-making (Wilson 1974, 1977; Young 1994). From another direction, however, it was the changing and volatile nature of social change and differentiation which led to a questioning of the theory. Whilst some theorists attempted to maintain the idea of youth-orientated moral panics, for example, Redhead (1990) in relation to the rave movement, McRobbie and Thornton (1995) in particular have sought to understand the way in which reactions to

youth culture have altered in relation to its commodification. Their central point is that, although moral panics are concerned with the boundaries between the socially acceptable and unacceptable, those boundaries are less defined because they are contested. The growth of pressure groups both initiate and also defuse moral panics. The commercial sphere itself courts moral panics as an aspect of product promotion. Youth cultures define themselves through moral panics, particularly in the case of rave in which the culture industries that proliferated from this culture were 'well versed in the 'hip' ideologies of youth subcultures' (1995:556). Lastly, that the emergence of media diversity serves to defuse moral panics by creating alternative forums. Thornton (1995) additionally points to the way in which both media and academic discourse around 'moral panics' can authenticate youth cultures. Frank (1997) and Klein (2000) have also noted and analysed the extent to which the style and discourse of youth culture are merely an aspect of the 'branding' process (Klein 2000).

However, such analyses do not negate deviancy theory or moral panic theory per se. Young (1999), for example, points to the way in which moral panics are proliferating in one sense, as a consequence of the 'ontological insecurity' (1999:25) engendered by the dismantling on the post-war order. Thompson (1998) also points to the impact of New Right ideologies of 'economic deregulation and cultural and moral re-regulation' (1998:140) on the fluctuating moral boundaries located by moral panics. In this sense what is simply being observed in the altering terrain of moralising discourse is the remaking of social differentiation.

Sumner (1994), for example, illustrates how deviancy and moral panic theory were engendered by the 'stable' social relations of the post-war order, where moral boundaries were clearly demarcated. What relegates deviancy theory to history for Sumner (if it ever

was relevant) is the lack of a stable moral order in a situation in which any group or individual can become an object of censure. Indeed, it is perhaps the fluctuating nature of moral panics that indicates not only a desire for moral certainties but also, importantly, a search for new strategies of normalisation. Sumner points out that Foucauldian theory reinvigorated theories of deviancy by relocating analysis to strategies and techniques of discipline (as opposed to the deviant).

This thesis has mobilised this perspective and methodology because it allows for the tracing of strategies of social control in a period of transition. In particular, they focus attention on the way in which moral crusades occur and the practices of power operationalised by those interested social groupings. In addition, they point to the process whereby the techniques of power are related to the political economy of discipline and located in long-term historical processes. Indeed, contemporary analyses of moral panics seek to integrate the formation of moral boundaries within changing regulatory norms (Goode and Ben-Yehuda 1994).

The importance of this insight is that regulation is conceived both as framing and responding to social change, exemplified in Foucault's notion of 'disciplinary power' (1980: 106). The new social relations of the Enlightenment, in Foucault's perspective, gave rise to the techniques and practices that result in global strategies of discipline or 'normalisation' (1980: 106). This latter conception is noted earlier by Becker's (1963) observation that law frames the way in which conduct is viewed.

The Enlightenment emphasised visibility, order and harmony; ideas appropriate to a form of social organisation, which by necessity (because of the way in which the market operated) must take account of the whole. The form of discipline for Foucault that

accompanies such ideas and necessities is one in which the objects of power must be visible; for example, in the idea of the Panopticon (Foucault 1977). Order cannot be maintained by prohibition or repression, but through the interiorisation of social control (1980: 155). Power acts upon the population's 'acts, attitudes, and modes of everyday behaviour' (1980: 125) and in the collecting of social facts about populations (1980: 125). Power is creative of the individual, and as such constantly evolves in relation to changing social conditions (1980: 119). Perhaps the way in which this process can be effectively described is that as social relations evolve – in all the complexity of economic, political and cultural interactions – new ways of expressing power relations will be innovated from those social relationships. Foucault himself seems to analyse this as such when he suggests that power relations can be conceived as 'strategy' and 'tactics' in which, as oppositional manifestations or reactions emerge from the social body, it provides the impetus for the development of 'new networks of power' (1980: 138). Power is not conscious, but works through the 'interstices' – the points between social spaces where no-one has control. Consequently, power relations are 'co-extensive' (1980: 142) with social relations and are generated from 'local conditions and needs' as they arise (1980: 159).

This has implications for the way in which the state can be conceptualised. Disciplinary power is not held at the centre but at the 'extremities' – expressed not in the legal form so much as where it 'invests itself in institutions, becomes embodied in techniques' (1980: 96). As such, power has a network-like form. It develops in an ascending fashion, beginning from the basic mechanism which has its own history and techniques and ending with the way in which they are colonised by global mechanisms; for example, the state, where they begin to 'reveal their political usefulness and lend themselves to economic profit' (1980: 101). It is here, as in the requirement of visibility, that the connection

between political economy and the social relations that define it forms the basis of Foucault's theory of power.

Although disciplinary power is the main focus of Foucault's analysis, this does not entail that the form of law, embodied in the idea of 'right', is unimportant. The two forms of power act in conjunction with each other. First, the bourgeoisie itself utilised the language of right to limit monarchical rule and as a means to establish its primacy as a ruling class. Second, the system of rights is superimposed over disciplinary society 'in such a way as to conceal its actual procedures' (1980: 105); that is, the 'cohesion' of the 'social body' (1980: 106).

Foucault's analysis is important to this thesis because it serves to demonstrate how the preservation of inequality and social differentiation can co-exist with the formal operation of law. In licensing, for example, the regulation of the entertainment of what are viewed to be problematic social groups (how this is conceptualised will be analysed in this thesis) can occur within the framework of legal norms through the exercise of discretion, itself bound by prevailing social conventions and often mobilised by moral entrepreneurs or the political elite. Alan Hunt (1999), for example, works with a Foucauldian framework to analyse the way in which health and safety regulation (the development of harm reduction strategies) emerged from morally orientated social movements in the eighteenth and nineteenth centuries. In the process 'dividing practices' enable distinctions to be made between deserving and undeserving categories of populations (1999:6).

Other theorists have similarly made observations as to the relationship between a perceived need for social discipline and the generation of new forms of regulation over the lower



classes and outsiders. Schlor (1999), for example, studied the emergence of controls over night entertainment in the eighteenth century. In this analysis it was the development of the market and the social changes engendered by this social organisation - the creation of the new urban centres, the mobility of the population and the new forms of leisure and social expression embodied in these 'freedoms' - that formed the basis of social fears surrounding the 'dangerous classes', the dark corners of the city, and the disintegrative effects of alcohol. Kohn (1992) examines the impact of the first world war on the regulation of leisure. In effect, the war entailed a vast expansion of the state in the effort to mobilise and discipline the entire society for war. Moreover, the war itself had contributed to the movement and intermingling of populations. The Defence of the Realm Act, amongst other measures, delimited in statutory form<sup>1</sup> drinking hours from 5am to 12.30am to two hours at lunchtime and three hours in the evening, closing at 10.30pm (retained until 1988). For Kohn as for other writers (for example, Gordon 1994), the criminalisation of drugs derived also from the experience of the war, intermingled with racial fears, and support for regulation was mobilised from press rumours, the YMCA, the Army Council, the Police and the Home Office.

These analyses direct attention not just to the fact that discipline or normalisation takes place, but to the techniques and processes by which such power strategies can be enacted: the complex web of negotiations, laws and policy, discourse and practices involved in any regulatory development. It is possible, by using this form of analysis, to examine how social differentiation develops from these negotiations. In examining this process of change, it is necessary to focus on three important determinants in relation to nightlife, and

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<sup>1</sup> This had previously been delimited by local arrangements through magistrates.

the way in which they have interrelated to produce new social forms and exclusions. These lie firstly within the changing nature of the spatial forms of youth culture. Second, the way in which nightlife has been employed as an economic driver as illustrated in its new descriptor, the night-time economy. Third, it is necessary to examine the form of licensing law and practice that has both emerged from these processes and may serve to reinforce them. These questions and foci will be returned to in Chapter Two. The following three sections, however, will review how theories have sought to conceptualise such changes. The first will examine that way in which the process of incorporation has been understood. The second will examine how the concepts of ‘gentrification’ and ‘spatial exclusion’ could be applied within the study of nightlife. The third section will explore the formation of nightlife as a regulatory ‘problem’ in public discourse.

## REGENERATION AND THE NIGHT-TIME ECONOMY

With the arrival of rave culture in the late 1980s in the UK, youth culture became located in a spatial form (Redhead 1993, Thornton 1995, Collin 1997, Garratt 1998), and this seemingly precipitated attempts to understand the geography of youth culture (Skelton and Valentine 1998). Integral to such analyses as they developed, was the way in which these spatial forms had been integrated into the mainstream economy or ‘normalised’ (Thornton 1995, Garratt 1998, Parker et al 1998, Chatterton and Hollands 2002). A key area of literature to explore such trends examined the way in which nightlife had been incorporated into city regeneration strategies throughout the 1990s.

The formal conceptualisation of bars and nightclubs as a core economic driver in some localities was formally promoted by the Conservative Government in 1993, when it

instructed local authorities to take responsibility for the promotion of the 'evening' economy within sensible planning parameters (Planning Policy and Guidance Note 6, 1993). However, the relationship between urban regeneration strategies and the role of 'nightlife' had been evolving prior to this. As seen in the field research, cultural entrepreneurs of the 'Punk' scene and Factory and the Hacienda in Manchester, for example, had long represented new 'utopian' ambitions for the inner city, which came to fruition with the 'rave scene'. Rave was important because on the one hand, as it progressed, it held no concrete resistance to being translated into a commodified form (although it also tended to splinter around such debates). On the other it was a mass youth culture which was strongly associated with 'place'. As negotiations were held with the police and councils to halt the use of open space and to locate the culture in inner city spaces (Garratt 1998:192), and because of the limitations of cultural radicalism when essentially participants were looking to make a living out of such cultural activity (Garratt 1998:132), rave or 'dance culture' became the embodiment of the emerging 'night-time economy'.

However, it was not simply that rave itself embodied such trends. The development of this culture coincided with 'de-industrialisation': that the decline of manufacturing industry in some areas of the USA and in the UK in particular has resulted in a growing dependence on the service industry and other 'symbolic goods' (Bell 1976, Bianchini and Parkinson 1993, Castells and Hall 1994). As such, geographers have explored the significance of this shift in the relationship between capital and space and in particular the way in which space is conceptualised. Molotch (1996), for example, explored that way in which Los Angeles projected images of 'anything goes' (1996: 223), 'fantasy and exploration' (1996: 241) and 'idiosyncratic localness' that reflects its role as a centre for tourism and the movie industry.

Goodwin (1993) referred to this as place marketing – the promotion of ‘city myth’ (1993: 147) that reflected the new aesthetic consciousness, style as identity and consumption as a mode of self-definition. Governmental agencies have incorporated these perceived<sup>2</sup> shifts of the role of culture as an economic driver in policy strategies. For example, the Department of Culture, Media and Sport (1998) claim that the cultural industries generate £60 billion in revenues, employ 1.4 million people (5% of the total workforce) and that the contribution of the cultural industries to the economy, net of inputs [“value added”] was approximately £25 billion or 4% GDP. The Urban Task Force led by Lord Rogers translated the economic and social importance of culture into a new urban strategy of seeking ‘diversity’ of use in neighbourhoods (1999:6).

Although the extent to which nightlife can be considered part of the mainstream cultural industries described above<sup>3</sup> is limited, the night-time economy is perceived as a key economic driver. Mintel, for example, has recently written a number of reports analysing market trends in the sector, and has claimed it attracts revenues of £1,975 million (Mintel 2000), along with Kreitzman (1999) of the Future Foundation who argued that cultural quarters and the evening economy were key to the creation of public interactive spaces in a flexible economy. The Manchester Institute of Popular Culture developed these themes in relation to the changing landscape of Manchester’s city centre (O’Connor and Wynne 1996).

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<sup>2</sup> I do not intend here to examine the legitimacy of those claims and perceptions, although in different ways doubts have been cast upon the real extent of cultural contribution, not least because they are not differentially categorised in official statistics (Policy Research Institute 1996). Moreover, there is a question of whether culture is an economic driver or merely a form of social management in a period of decline; concerns that have been raised by Zukin (1989) and Mole (1996).

<sup>3</sup> For example, the Department of Culture, Media and Sport (DCMS) emphasised in 1999 that the ‘night-time economy’ was part of ‘tourism rated activity’, not cultural activity (Letter 15/10/99). It is rumoured that responsibility for night sector licensing is to be passed to the DCMS (Popall Allen’s Licensed Trade News 21/6/01).

Traditionally, it was argued, activities of the night or nightlife have been marginalised, regulated and ‘contained’ through ‘licensing, health and safety, planning and policing’ (Lovatt and O’Connor 1995:130). This was, as seen before, a product of the way in which time, and the difference between night and day, became an ‘ordering structure’ sustained from the eighteenth century to post-war ‘Fordist bureaucratic control and planning’ (Lovatt 1996:144). The changing political economy of the city – de-industrialisation and the growth of the service and cultural economy, regeneration initiatives and so on, they argue, marked a shift towards a more ‘flexible’ regulatory regime. Manchester itself was promoted and repackaged as a ‘realm of play, of socialisation and of the carnivalesque’ (Lovatt 1996:150), and hence legal and policy changes would have to shift to take account of this development. This policy contradiction expressed the broader shift from production orientated economies to consumption, and from the drive to deregulate and the continuing hostility from planners (Lovatt and O’Connor 1995:122). In debates around the Hacienda, however, measures were taken to take power out of the hands of council officers by bringing licensing under the remit of the Leaders Office. A change in Chief Constable in Manchester opened up the possibility of new relationships between the council, police and club owners. On the one hand, the night -time economy was emphasised in the city’s new image and led to a rise in the number of venues. On the other, innovations took place in the mode of regulation, through the creation of the Pub and Club Network, the Safer Dancing Campaign (initiated by Lifeline), the Doorstaff Registration Scheme and frequent liaison between the police, council and club owners. As Lovatt argues:

... it is clear that the hierarchical and embedded structures associated with the Fordist regulatory regime have begun to give way to a flatter, more responsive system of urban governance in the city (Lovatt 1996:161).

Hence, in this analysis, it is the changing nature of the economic and social landscape that unravels and transforms the nature of regulation, but also the way in which local regulatory arrangements can ‘distort’ the impact of global shifts. The emphasis, therefore, is on the struggles that ensued within local institutions. For example, Lovatt pointed to an initial ‘schism’ between the ‘council leadership’, ‘cultural producers and consumers’ and ‘council officers and the police’, in which the latter in particular continued to see the night time economy as a problem to be contained (Lovatt 1993:34). However, he notes that:

... some locales have experienced a concurrent growth in production and consumption in the night-time economy and have begun to deploy policies aimed no longer at its repression but designed to secure its proliferation (1996:114).

Lovatt plots the way in which, despite the promotion of Manchester as a cultural centre by the city authorities, licensing authorities continued to attempt to regulate access both in terms of ownership and licenses and expressed in the desire to exclude ‘undesirables’ from the city centre. However, it was the inability of planners to halt the expansion of pleasure-orientated consumption of nightlife that indicated a turn-around. Institutional changes ensued in the licensing authorities, and indeed the problems of the Hacienda arose from gang-related violence, not licensing problems as such. The form that the flexible licensing system took is the increasing partnership between club owners, the council and the police and the growth of networking in general. As such, licensing is managed through ‘negotiation’ as opposed to ‘command’ (1996:161), although significantly such changes were not strategic, but were largely a response to the failure of previous strategy (1996:162). This process can therefore mask the extent to which authorities could again

lapse back into Fordist regulatory practices: as Lovatt argues, ‘there is always a new way to say no’ (1996:162).

Lovatt’s analysis focuses on the extent to which licensing authorities are an autonomous regulatory force that may yet act against the ‘post-Fordist economy’. On the one hand Manchester authorities attempted to halt the emergence of the post-Fordist economy and its cultural forms in the 1980s, and on the other it may similarly react against its actual development in the present and future. It is assumed in this analysis that the state (law and policy) and social interrelations (economy, culture) act as autonomous zones. However, a key question of this thesis is to examine what emerges in and through this transition. To return again to the questions posed by deviancy theorists: what new forms of social differentiation and ‘exclusion’ arise from this transition, if any? There are two important discussions that impact upon this question. First, the notion of ‘gentrification’ and how this may be applied to nightlife. Second, policy discussions taking place within the remit of regulation, that is, licensing law and policy. The first will be explored in the following section.

## THE COMMODIFICATION OF CULTURE AND SPACE AND THE CREATION OF NEW SOCIAL BOUNDARIES

As seen previously, there is a growing tendency for culture to be seen as an economic driver in the post-industrial, inner city landscape. This section will examine how economic and cultural shifts interact to create a new landscape of social differentiation in city spaces. In particular, it will examine the way in which what has been conceptualised as ‘gentrification’ strategies have impacted on existing populations to displace or exclude

them. Although much of this research has emanated from New York or Los Angeles, how such frameworks impact upon British inner cities, and in particular strategies of developing night-time economies, will be considered.

A key issue here is the conquest and re-valorisation of space. Harvey (1985) attempted to locate the formation of the spatial landscape as a product of the formation of the social relations of capital, and, moreover, how space itself becomes a material factor in the formation of capital. On one level, capital seeks to increase turnover time by the shrinkage of space (developing communications and transport, for example). A second aspect is that space itself is affected by uneven development, as areas are subject to dynamism and decay. Third, infra-structural development can act as a 'spatial fix' for over-accumulation (1985:6). Harvey's conception of a system that is dependent on revolutionising spatial forms and the consequential need to conquer space is a compelling one when considering the cultural and social impact of the post-industrial economy. Sharon Zukin, for example, also examines the process by which spaces can become re-valorised. Indeed, her work is particularly interesting because of the way in which alternative or bohemian cultures became central to this strategy.

In *Loft Living* (1989), she analyses that way in which SoHo lofts space of the old manufacturing districts were turned over to artists in the 1960s and '70s, described by Zukin as 'protected access' from the city authorities 'into spaces previously reserved for manufacturers' (1989:51). Art itself was transforming into a popular medium, which expressed a closer connection to the public, expressed in the 'Happenings'. It was also becoming more commercialised, in the sense that 'marketing art in alternative spaces' (1989:92) became a key strategy at that time. Such processes also coincided with increasing



public interest in alternative lifestyles, and the idea of living in a loft space appealed to those desiring to escape the suburbs and the separation of work and domestic life. As Zukin puts it, 'if the isolation of middle-class residential suburbs breeds despair, then the mixed use of loft neighbourhoods should foster affirmation in the middle-class psyche' (1989:68). As a consequence of the growing interest, however, the original colonisers were forced out as rents increased; a contradiction, Zukin argues, between 'the production of art and other, higher rent uses' (1989:121). Zukin uses the idea of the Artistic Mode of Production to explain the way in which alternative cultures become key to an 'urban conversion strategy' (1989:181).

This analysis was developed in later work to describe the impact of urban conversion on public culture itself. As previously neglected areas are turned over to higher status cultural groups, new forms of exclusion emerge. One of these is the displacement and marginalisation of existing cultures. Smith (1996), for example, notes how in the acceptance of the language of decline and 'social pathology' applied to the inner city, the language of 'revitalisation, recycling, upgrading and renaissance' (1996:32) was ideologically appealing. However, it served to hide the class connotations of gentrification strategies, essentially entailing the reclaiming of the inner city for the middle-class. Moreover, it suggests that 'affected neighbourhoods were somehow devitalised or culturally moribund prior to gentrification' (1996:32).

Additionally, theorists have noted the way in which reclaiming space translates into defending space along new class and racial boundaries (Newman 1972). Smith, for example, argues that the language of inner city development has become more defensive in the wake of economic decline. The desire to reclaim the inner city is harnessed onto

strategies designed to curb the presumed ‘crime and violence, drugs and unemployment, immigration and depravity’ (1996:211) associated in popular discourse with immigrants, the poor, minorities, the unemployed, and any other new categories of exclusion. In other words a strong desire to ‘sanitise’ the city, referred to by Smith as ‘revanchism’. Zukin refers to the idea of ‘disneyfication’ to describe the search for an ‘ideal’ urban space, free from the risks of the inner city, and a consciousness not just recreated in Disneyland itself, but in the inner city gentrified districts (Zukin 1991, 1995). Techniques of control emerge whereby the ‘other’ is objectified in spatial localities by the adoption of strategies of containment through the closure, privatisation and sanitisation of public space. As a consequence, the discourse of security and protection became a common currency of public discourse, alongside strategies that contain risk and the fear of risk, such as private security, gated communities and Zero Tolerance (Young 1999). Davis’s (1990) description of the dystopia that is the ‘pure capitalism’ of Los Angeles, is illustrative of the way in which populations are divided along class lines in a ‘fortress’ style form of social control as a consequence of the escalation of market-led ‘reaction’. As he argues, in ‘cities like Los Angeles, on the bad end of postmodernity, one observes an unprecedented tendency to merge urban design, architecture and the police apparatus into a single, comprehensive security effort’ (Davis 1990:224).

However, in what sense can this form of analysis, of a brutal capitalism and class reaction, be applied or understood within the British context? Indeed, how is it possible to situate debates concerning ‘gentrification’ with the regulation and representation of nightlife, itself, until very recently, an object of social order? O’Connor and Wynne (1996), argue that the renewal of the city around culture and consumption is ‘open to a variety of different outcomes and meanings’ (1996:56) and that Zukin, as an example, ignores the role of

agency in evaluating those meanings. They argue that inner city dwellers tend to reject consumer-led images of cultural gentrification, and successful cultural strategies require cultural autonomy. The opening up of spaces creates the potential for new ways of using those spaces, in other words for greater negotiation than is allowed for in Zukin's analysis. They argue that the commodification of culture does not reassert distinctions, but threatens it, because 'social identities can no longer be read from an individual's class or occupational position' (1996:81), particularly with respect to countercultural 'liminality' or transgression.

This contestation of Zukin's analysis raises important questions as to the legitimacy of cultural strategies of renewal. In Zukin's view what begins as a seemingly 'authentic' project (the importation of cultural producers) becomes the means by which an area acquires a higher real estate value, in the course of which both the 'original' working-class culture and the cultural producers are swept away. What remains is a marketed form of these cultures in the context of sanitised forms of middle-class consumption. O'Connor and Wynne contest this, arguing that these spaces can become re-inhabited by minority cultures, a source of critical liminality. As such, these cultures can retain their place and identities in the course of urban renewal. As Lovatt and O'Connor (1995) and Lovatt (1996) point out elsewhere, however, nightlife, in the context of revitalisation, does have the potential to become like the daytime economy: a 'bland consumerist playground of chain stores and fast-food outlets' (1995:133) in which new forms of exclusion of the 'undesirables' takes place (1995:133). It is simply that they view this process as open to negotiation.

Although agency is not an issue to be ignored, the process by which exclusion arises holds room for further critical analysis. To what extent are communities or *sections* of the

community really able to control or alter the process of change? Janet Foster (1999), for example, in an analysis of Docklands, points out that the experience of exclusion for poor communities around the development site led to residents explaining how the 'community' had splintered into three: the rich, the white working class poor, and the minority ethnic poor. Amin, Massey and Thrift (2000) point to the way in which the new urban cultural economy exemplified in the New Labour/Rogers axis is being built around the interests and concerns of the middle-classes<sup>4</sup> to the exclusion of the actual diversity of city life. This theme is also explored by Chatterton and Hollands (2002) in relation to night culture and the dominance of young professionals in the 'playscapes' (2002:95). Such analyses are suggestive of a differential reaction to the process of change and differing levels of power.

To what extent can a similar process of differentiation be seen to be taking place in the 'night-time economy' as it is now referred? O'Connor and Wynne (1996) take for granted that this sphere is an arena of liminality and transgression, despite the changes in its use as a source of venture capital and in the policy process of regeneration. Of course, nightlife is not simply governed by market forces and planning, but also changes in cultural meaning and most importantly in the context of the British experience of licensing law and practice. Thornton (1995) discusses the way in which the alternative/mainstream dichotomy no longer holds when considering youth or music cultures (if it ever did). However, this did not get so far as to discuss the extent to which youth cultures have become an essentially *conformist* presence on the British landscape. There are two ways of understanding this. Klein (2001) discusses the way in which the counterculture represented a 'deep craving for metaphorical space: release, escape, some kind of open-ended freedom' (2001:64). As

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<sup>4</sup> Often referred to as the 'social capital' of particular classes (Butler 2001).

such, the mass branding of youth cultural signs (through advertising, in festivals, in bars and clubs, in other words, in the spaces of youth culture) represents not just the loss of physical space but also ‘mental space’ (2001:66). The closure of space through the commodification or ‘branding’ process effectively means that cultural ‘cool’ becomes a form of not just cultural distinction (because in this sense youth culture was always about cultural distinction) but of social distinction, achieved through the ability to mobilise material resources (Velben 1899/1994, Bourdieu 1984). Indeed, Chatterton and Hollands (2002) have explored the way in which issues of status are channelled through the contemporary night-time economy.

The shift from cultural to social distinction also implies the exclusion of others beneath that group in the social hierarchy. This thesis has utilised the concepts of gentrification, colonisation and differentiation to ask the question of how such processes manifest themselves in nightlife. In particular, to what extent has the employment of the night sector or nightlife, as an economy driver in regeneration, led to new forms of exclusion or differentiation? Again, such considerations require a return to the third aspect of the focus of this thesis, licensing law and practice. The following section will examine the way in which policy discussions around licensing law and policy articulate social differentiation.

## LEGAL REGULATION AND THE CONCEPTUALISATION OF THE SOCIAL PROBLEM OF NIGHTLIFE

The way de-industrialisation and subsequent regeneration strategies have been seen to have interacted with licensing law to prompt the de-regulation of closing times (Lovatt 1996) has

received widespread attention, summed up in the buzz phrase, the ‘24 hour economy’ or ‘city’ (The Future Foundation 1988, Kreitzman 1999). However, traditionally licensing regulation has had a broad remit, concerned not just with closing times, but with issues of ownership, responsibility, crowd behaviour and the forms of state access and control. The Disorderly Houses Act of 1752 provided the broad framework for subsequent legislation, the original focus of which was understood to be the disciplining of the lower-classes (Fielding 1751). Changes in licensing practice have occurred, for example, in the development of the policing mechanism (Storch 1988) and in the impact of the ‘middle-class’ in society which organised around its interests in such fields as licensing (Hunt 1999) through the use of the objections process. Moreover, licensing regulation has relied upon the use of ‘discretion’ by magistrates and the police in the granting of licenses and in sanctions applied in the face of license contravention (Webb and Webb 1903, Paterson’s Licensing Acts 1999). In summary, the remit of licensing regulation has been concerned with spatial behaviour and time limitation, and has been particularly susceptible to subjective considerations from organised interests as to what is considered to be a ‘problem’.

The drive to extend licensing hours is viewed as a product of regeneration strategies by Lovatt (1996), but more broadly the growth of the 24 hour society is seen by ‘futuurologists’ in more mainstream terms as an extension of the working day and lifestyle into the night. Kreitzman (1999), for example, represents this as ‘technological’ necessity, the need for fulfilment or the development of greater ‘wants’ (1999:vii). This vision was very much inspired by Melbin (1978), who argued that the night was a new frontier, to be utilised in the same way as space had been utilised. Hence, in both accounts, the 24 hour society depicts a new growth in the productive forces, which could be represented more simply as

an economic need for round-the-clock working or 'flexible' working practices. Both Melbin and Kreitzman present such trends as a cultural push related to some extent to the distinct cultural values of the night (Melbin 1978) and forcing local authorities to redesign public space to develop this 'vibrant urban culture' (Kreitzman 1999:137). It is clear however that in Conservative ideology at that time, the push for deregulation extended into the personal sphere in limited cases, summarised in the notion of 'personal responsibility', and this was certainly the case with licensing after 1986. According to Baggott (1990), this change of direction was inspired by the brewing industry that had organised itself into a lobby in 1984, called the Campaign for Flexible Hours. The new tactics of this lobby consisted of arguing for the same number of hours but with licensee discretion on opening and closing times. This, according to Baggott, split the opposition by maintaining the already existing moral boundaries or symbolism of closing times whilst aligning themselves with the Tory emphasis on privatisation and deregulation (1990:125). The Conservative Manifesto of 1987 included an hours' liberalisation clause, and in 1988 the Licensing Act amended the Licensing Act 1964 by abolishing the afternoon break for weekdays. This was followed by the Licensing (Sunday Hours) Act 1995 which abolished the afternoon break for Sundays (bar Christmas Day). The provisions of deregulation have been extended further, with both extended hours for drinking, and in conjunction with music and dancing, culminating into the as yet unrealised ambition for '24 hour opening' envisaged in the White Paper on licensing reform published in 2000.

Although largely understood as a 'liberalisation' by supporters and opponents alike (as seen in the example of Southview as elsewhere), it is the way in which the compromise was reached that is perhaps most indicative in terms of the shape of current regulation. As Baggott points out, the campaigning bodies were successful because they adopted a

compromised attitude which did not seek to alter the premise of licensing per se, but argued for the maximisation of their business potential. What remained was an acceptance of a tighter control over the relationship between the premises and the locality. For example, the 1988 Act contained a proviso for a Restriction Order that would require afternoon closure if the police, local schools or local persons considered the premises to be a disturbance (Patterson 1999). Timothy Kirkehope MP, in a preface to a government circular on licensing in 1996, weighed up the balance of freedom and responsibility by limiting hours in the case of perceived 'late night disorder and nuisance' so as to 'control potential social problems without restricting the interests and tastes of the responsible majority' (1996:1). A report by the Brewers and Licensed Retailers Association in 1999 again reaffirmed the trade-off between extended hours and control, arguing that the system should be renegotiated because 'the issues relating to morality and consumption "can and are being achieved by other means"' (1999:3), such as the increase of provisions around noise control, doorstaff regulation, capacity limits and CCTV (1999:15).

However, this is not simply a compromise. Campaigning bodies from industry have also innovated, alongside government, new forms of multi-agency working. The British Entertainments and Discotheques Association, for example, formed in 1995, works with the Association of Chief Police Officers, the Home Office, the Cabinet Office, the DTI and the DfEE, and also serves on the Home Office High Level Advisory Group on Drugs and Clubs, and itself speaks in the language of 'rights' verses 'responsibility' (BEDA: 2). As such, the notion of 'right' is invested in the commercial sense of 24 hour trading, whilst 'responsibility' governs the swathe of spatial and behavioural regulation perceived as balancing that 'right'. Ironically, however, such shifts represent the closure of unregulated spaces as issues of responsibility come under greater scrutiny. In essence, it is more



difficult contemporaneously to run unsupervised free space than previously, as licensing authorities have sought to differentiate between responsible and irresponsible behaviour and ownership (Stockwell 2001).

The relationship between moral panics and the regulation of night spaces has occurred throughout the twentieth century (as did moral campaigns in the eighteenth and nineteenth centuries). In the mid-1920s, for example, the Metropolitan Police, the Public Morality Council, the Charing Cross Vigilance Society, the Temperance Council of Christian Churches, the Home Secretary and the press joined forces to propose legislation to license the private members clubs where music and dancing took place, newly referred to as 'night clubs' but not as yet covered by licensing law. In particular, concern developed in relation to the fact that the clubs were run by 'aliens' (The People 8/2/25), which was the term utilised for immigrants at that time. The Bill itself (the first time that night clubs had been mentioned in law) proposed conditions for objecting to the club on the basis of the character of the people running, or attending, the club. In addition, it proposed means whereby the police could easily gain access, and for the registration of the premises. Although the Bill was not passed, councils and the police continued in their efforts to close premises through a combination of raids and deportation orders for the 'aliens' running the premises (Public Records HO45/16205). A similar debate sprang up around the growth of jazz or beat clubs in London's West End in the 1960s. Again, these were spaces that had not previously been regulated in law, but were presented by MPs and the Home Office as a danger to young people because of availability of drugs and the idea that that 'undesirable persons are attracted to the area' (Home Office report 10/9/54). The resulting legislation, The Private Places of Entertainment (Licensing) Act 1967, tightened up the distinction between places that were not public but 'promoted for private gain' (not charitable). The

targeting of juvenile clubs was ensured by the use of judicial discretion (Public Records HO300/8, 70 and 71). In essence, therefore, social fears have historically precipitated the growth of regulatory means of closure.

Another key moment that shifted the parameters of institutional control was the response to rave from 1998 onwards<sup>5</sup>. Rave was a particularly challenging social order problem because it both located itself spatially and in a mass way (with 20,000 strong parties held in the 'countryside', which by-passed hours' restrictions in favour of all night partying). It was the emerging knowledge of the relationship between rave culture and Ecstasy; broken first by the mass media through the music press, and in the midst of the chaotic money orientated development of the counterculture; that formally prompted the police and the government to act, according to Garratt (1998). On the 3<sup>rd</sup> November 1998, Scotland Yard declared war on acid parties and the Pay Party Unit was formed (1998:146). Tactics included roadblocks, the advertising of phantom parties, and the use of environmental by-laws and health and safety laws against the promoters (Garratt 1998:184). In addition, a series of statutory initiatives were created; the Entertainments (Increased Penalties) Act 1990 raised fines for contravening the licensing laws from £200 to £20,000 and six months imprisonment. Powers under the Criminal Justice Act 1988 would be used to confiscate the proceeds from illegal parties. The Association of District Councils urged its members to adopt the Private Places of Entertainment (Licensing) Act 1967. The Criminal Justice and Public Order Act was passed in 1994, which isolated rave as a musical form and gave the authorities powers of closure and sanction. Lastly, according to police sources, there was a

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<sup>5</sup> Indeed, this thesis is partly concerned with a fourth, that of the blues clubs and shebeens in Southview as elsewhere, but such conflicts were not so often explored in public discourse as popular culture.

decision to begin giving out later licenses for premises to bring rave within the remit of established or licensed venues (Garratt 1998).

Again, the orientation was to extend the closure of unregulated space and to reframe the condition for cultural practice. This core process is notable in the case study examined in this thesis also: the growth of social fears concerning a cultural form, followed by the passing of new regulations and establishing new institutional frameworks which again shape the use and experience of space. Seen also in the context of the new ‘freedoms’ proscribed by deregulation, a new moment of differentiation emerges. Licensing law has been shaped by the impetus for deregulation, but has also shaped the nature of spatial forms. In what way can the distinction between acceptable and unacceptable cultures be seen in this context?

#### The re-formation of acceptable and unacceptable cultures in nightlife

The main form in which policy discourse has taken place in relation to licensing addressed the new problems that the ‘night-time economy’ (NTE) has given rise to and the need to innovate new ways to control or contain those problems. Indeed, there is a seemingly close relationship in some cases between academic and Home Office research on the problems and issues relating to the NTE. In particular, the theorists examined here have sought to make connections between the growth and ‘commodification’ of the sector, the decline and privatisation of policing, and the growth of incivilities and disorder. In the main, however, these discussions take different forms or are directed at different policy preoccupations.

First, there has been a growth of interest in alcohol related violence. Bromley et al. (2000) and Thomas and Bromley (2000), for example, focus on the way in which fear is expressed spatially in the night-time economy, particularly in relation to areas where there is a concentration of bars, clubs and night cafes which effectively have a 'drinking' function (Bromley et al 2000:84). Lister et al. (2000) and Hobbs and Hall (2000), in research conducted on city centre bouncers, put it more directly. The commodification of the night-time economy, aided by the 'entrepreneurial ethic' (Hobbs and Hall 2000:1) of contemporary governance have produced a night-time economy governed by 'commercial sensibilities' (Hobbs and Hall 2000:1). Unlike the 'romantic' vision portrayed by cultural commentators, 'alcohol and intoxication lies at the core of this new economy' (Hobbs and Hall 2000:1). The link between alcohol and violence is made through the behaviours it unleashes: 'Aggressive hedonism is the norm and unruly and violent behaviour is a central feature of this new economy' (Hobbs and Hall 2000:6). Moreover, as their study suggests, the sector is regulated by private security staff who manage the commercial ethic of intoxication and for whom 'violence and intimidation' is the 'normal form of social control' (2000:2). Violence is rarely reported due to the occupational culture of doorstaff, their pragmatic reluctance to call the police (for fear of the premises being labelled a 'problem' venue), and in the discretion of police officers who may ignore or marginalise assault accusations (Lister et al 2000). Research from the Australian context has also impacted upon British policy-making. Homel and Clarke (1994) and Hauritz et al. (1998), along with Stockwell (2001), have all emphasised the link between alcohol related aggression and situational factors such as the 'physical and social environments of bars' (Hauritz et al 1998:514) and the level of training of staff.

The impact of these emphases was reflected in a Home Office study, which sought to examine the links between alcohol and aggression from the perspective of 'situational crime control' (Crawford 1998). In this study (Deehan 1999) the focus was on the extent to which social settings exacerbated the problem of aggression. It suggested the need to control the physical environment ('unclean, unattractive environments .. smoky atmospheres, poor access to the bar, inadequate seating and crowding' which are more likely, according to the report, to be associated with aggression) (Deehan 1999:12) and the social environment ('permissive environments where drug use, swearing or sexual activity' was prevalent, where there were 'large crowds and high volume noise levels' and lack of training amongst staff) (Deehan 1999:13). In external space, anti-social behaviour presented the biggest problem:

Urinating in the street, throwing missiles, minor public disorder conduct and minor criminal damage may seem insignificant, but, if left unchecked, can lead to a fear of crime in the local community and a gradual acceleration of public disorder in an area (Deehan 1999: 16).

There is little agreement on how to resolve this perceived problem. Whilst the above report stresses internal environmental design and external social disorder measures, other suggestions have been made. Bromley et al. (2000), for example, argue for the zoning and segregation of drinking areas until such time as 'social behaviour' can be changed (2000:90). Hobbs and Hall (2000) call for a reclaiming of the night-time economy by the State in which the role of the police is given priority rather than private security, including a 'review of planning regulations', increased resources, and to take control of 'the entire realm of licensing, regulation and training' paid for by the sector itself. Common to all propositions, however, is that the contemporary night-time economy is a 'problem' that needs to be regulated and reined in by state activity. It is a problem because the commercial

drive harnesses consumption producing intoxication and the potential for disorder and violence. In this respect, the state is viewed as a means by which these social forms can be regulated.

The innovation occurring practically, however, is in the form that state regulation should take. Although interpreted differently on national to local levels (the local, given the nature of the ‘objections’ process and such assessments of ‘fit and proper’ person in licensing, being particularly sensitive to local social relations and differentiation), a key element is a concern with regulating behaviour and the reformulation of concepts of ‘anti-social’ behaviour or incivilities (Rose 2000, Moore 2000, Garland 2001).

#### The reformulation of undesirable behaviours in policy

As discourse develops, there is an evolving preoccupation with both undesirable behaviours, and, in parallel, the people who are most likely to exhibit them. Bromley et al. (2000) and Thomas and Bromley (2000) note that it is older people, higher status social groups and women who are most fearful of these zones<sup>6</sup>, whilst they are used by lower status social groups, men, and youth. Indeed, the 24 hour concept has become problematic because of its domination by clubs and bars which are inhabited by the young and a ‘culture of male domination, heavy drinking, drugs and violence’ (Thomas and Bromley 2000:1425). Hobbs and Hall (2000) are similarly scathing when describing the night-time

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<sup>6</sup> Not all theorists take the ‘fear of crime’ issue as uncontested. Hall (1978), Keith (1993b), and others, for example, point to the way in which fear is constantly manipulated, playing on already existing race, and, it can be said, class fears.

economy, as already noted above, and indeed no positive images are portrayed (Chatterton and Hollands 2002).

Legal innovation has also evolved on the basis of taming undesirable behaviour. In the most recent policy rethinking of licensing, the White Paper (Time for Reform 2000) the emphasis was on developing, in regulatory form, licensee and client responsibility in return for a presumed deregulation of closing times. In particular, through the establishment of staggered closing times, binge drinking and street 'massing', it was thought, could be avoided (O'Brien, Open All Hours 2001). The White Paper was aimed at breaking the link between 'normal' and 'excessive' consumption and also 'safe' and 'risky' conduct established in the British experience from years of leisure restrictions (Time for Reform 2000). It made a clear demarcation between behaviour that was culturally and behaviourally acceptable - citizens and visitors enjoyment of entertainment, family and café orientated styles - against the spectre of behaviour that was violent, intimidating and disorderly. The sanctions for non-compliance with these new behavioural norms were differentiated with respect to licensees and customers. In relation to licensees, a system of graduated punishment was proposed that involves loss of business through closure. For customers, the system proposed was one of simple exclusion.

However, as debates evolved, the deregulatory impulse of the proposed legislation was marginalised (although may again be resurrected) and the proposed sanctions were incorporated in the Criminal Justice and Police Act 2001 after a media-orientated campaign around 'yob culture' in June 2000. Many of the measures effectively strengthen or revive disused legislation. For example, Part 1, Chapter 1 deals with 'on the spot' penalties for a variety of disorderly offences. First, for being drunk on a highway, public place, or licensed

premises (from Section 12 of the Licensing Act 1872). Second, for disorderly behaviour while drunk in a public place (Section 91, Criminal Justice Act 1967). Third, for ‘threatening, abusive or insulting words or disorderly behaviour etc within hearing or sight of a person likely to be caused harassment, alarm or distress’ (Section 5, Public Order Act 1986). Last, for consuming alcohol in a public designated place. This latter prohibition is designed to strengthen local council by-laws banning drinking in public spaces so designated, if the council is satisfied that such behaviour is ‘a nuisance or annoyance to members of the public or a section of the public’, or may cause ‘disorder’ (Section 15(2) Criminal Justice and Police Bill 2001). If a person drinks alcohol in a space designated, a constable has the power to confiscate any alcohol he or she ‘reasonably believes’ a potential offender to have (Section 14(2)). If the person does not surrender the alcohol, the person will be liable to a fine (Section 14(4)). If the person is unable to pay the fine, criminal proceedings will be brought against them.

The other aspect of the new legislation was designed to strengthen the ability of licensing authorities to apply sanctions to licensees on the grounds of order or nuisance issues (and is derived from the White Paper), sanctions they are often reluctant to apply for fear of legal challenge. A senior police officer may institute a ‘closure order’ (requiring the licensed premises to close for not more than 24 hours) if he ‘reasonably believes’ that there ‘is disorder’ or ‘likely to be disorder’ on or near a premises and its closure is necessary in the interests of public safety; or if ‘a disturbance is being caused to the public by excessive noise emitted from the premises’ (Section 19, 179A (1)). The Bill also specifies that the senior police officer should take account of any ‘conduct of the holder of the justices’ license’ in relation to the ‘disorder or disturbance’ (Section 19, 179A (3)). The officer may apply to the magistrates’ court for a further period of closure under the same grounds, or



may simply close the premises for another twenty-four hours if this is impossible. At the next justices' session, any premises which has been so closed may have their license revoked or new conditions may be attached, although the licensee may appeal. Unlike the Entertainment Licensing (Drugs Misuse) Act 1997, the police would not be liable for any loss of earnings, except if operating in 'bad faith' or in contravention of the Human Rights Act 1998. The sanctions applied for breaking a closure order are a fine of not more than £20,000, or not more than 3 months imprisonment, or both. The Bill similarly allows for the closure by local authorities or the police of unlicensed premises (Section 21).

Such considerations have also precipitated new forms of regulation and partnerships concerned with the policing of disorderly behaviour. First, 'situational' control – attempts to regulate behaviour and space through internal and external design strategies – where to place bars, lighting, CCTV, door staff registration schemes, attempts to demarcate between generalised and localised crowding, noise and nuisance laws, on the spot fines for anti-social behaviour and so on (Deehan 1999). Second, measures to monitor alcohol consumption, such as restrictions on 'happy hours' and such schemes as Pubwatch (Deehan 1999, Alcohol Concern 2000). Third, inter-agency work around 'risky behaviour' – research and measures designed to predict and attempt to encourage the internalisation of 'safe' modes of conduct through education and awareness (Gilman 1995, London Drug Policy Forum 1996, Kilfoyle and Bellis 1998). Fourth, through the encouragement of partnerships between the licensee, police and local council, along with other relevant agencies, designed to encourage licensee responsibility and facilitate the flow of intelligence (Morris 1998, Walker 1999). Failing this, some researchers are calling for the re-imposition of planning controls to halt the escalation of premises (Stockwell 2001, Open All Hours 2001).

Other policy innovations elsewhere have also impacted upon the night-time economy, and indeed seem to be representative of the way in which what were normally considered to be private disputes (Tort, defined by Cane, 1997, as a body of civil law concerned with protecting interests and a system of 'ethical rules' of conduct) are being brought within the remit of criminal law (Fitzpatrick 2000). A key issue arising from the Crime and Disorder Act 1998, was the criminalisation of nuisance or anti-social behaviour, for example, in Anti-Social Behaviour Orders (ASBOs). There is no clear agreement, however, as to the nature of nuisances or anti-social behaviour. A paper from the PRCU (Bland and Read 2000) acknowledged this, but in the course of visiting local police forces, they concluded that officers took a 'pragmatic, common sense' view, based primarily on the 'operational realities they experience day-to-day' (2000:5). For one police force, this included 'drunken loutish behaviour, intimidating gatherings of young people in public areas, the public use of obscene language, aggressive begging' and such activities from graffiti to prostitution (2000:5). Such definitions of ASB derive strongly from neighbourhood preoccupations, concretised in the conducting of 'crime audits' in localities (Home Office 1998), and have formed the basis for campaigns against the night-time economy, for example from the Soho Society (Open All Hours 2001).

The issue of noise is a key example of this process of criminalisation. Prior to 1960, noise could only be pursued through the civil courts by the individual affected. With the passing of the Noise Abatement Act 1960, however, noise was added to the list of statutory nuisances governed by the Public Health Act 1936, meaning that local government acquired the power to serve abatement notices and required works. However, the powers were rarely invoked due to the fact that the defendant could state that he had exhausted

‘best practical means’ to resolve the problem. However, as a result of this law, a Noise Council was established which consisted both of expert opinion and pressure groups such as the Noise Abatement Society, that engaged in research as to the societal effects of noise from industry and the ‘urban environment (Public Records HLG 120/1331, 31/7/69).

As a consequence of the growing interest in noise ‘pollution’ a series of acts were passed (the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Noise and Statutory Nuisance Act 1993), in which what was considered a noise nuisance was decided according to ‘prevailing norms’. With the passing of the Noise Act 1996 and the Crime and Disorder Act 1998, according to Fitzpatrick (2000), noise nuisance as well as other nuisances could be considered to be a form of ‘criminal harassment’ (2000:17). Much of this has impacted upon residential noise, but also night venues have been affected. For example, noise laws are often instigated as a means to close unwanted venues or cultures (indeed this is an issue, which arose constantly in Southview). Also, provisions as to soundproofing and the closure of all windows and doors are both established in local licensing conditions and in the proposals of the White Paper. Many ‘social movements’ have sprung up as a result of perceived noise and nuisances arising from the 24 hour economy (Open All Hours 2001) and indeed organised residential interests were evident in Southview.

To what extent, however, is this a problem of actual noise or simply its cultural interpretation? As Fitzpatrick (2000) argues, is it a subjective or ideological promotion of the silence as a societal norm? Bailey (1996), for example, explored the way in which noise in Victorian England became associated with the lower classes (because in the urban landscape their work and entertainment was simply more noisy) and the way in which

suppression of noise was campaigned for by the urban middle-class and intellectuals.

Moreover, the way in which certain sounds are unpleasant because they are either unfamiliar or are represented by a disliked class, gender (Bailey 1996), age group, sexuality or racialised group. Hence, noise and noise pollution could not be separated from societal divisions. Latterly, Fitzpatrick (2000) also describes that way in which prejudice and personal interest is mobilised through noise complaints.

How can such policy trends be understood? Chatterton and Hollands (2002) go some way to exploring the preoccupation of the 'new regulatory regime' (2002:105) with behaviour. They argue that as a product of a shift to the 'post-Fordist' city concerned with promoting the interests of private capital and the 'branding' of the 'night-time economy', the regulatory function in relation to nightlife has shifted from magistrates and the police to local government. The new form of regulatory regime is reliant on self-policing in relation to 'mainstream' venues, which refers to exclusion through 'design, price and/or attracting a better class of people' (2002:107). In parallel, certain populations are credited with being the source of disorder and violence (that is, unable to exhibit the required style), and subject to formal policing strategies. They argue that such strategies are part of a 'residual' regulatory view (2002:107), represented institutionally as a cleavage between the police and magistrates versus local government. However, it is proposed by this thesis that the different institutions examined cannot be seen so much as contemporary and residual as acting in a dynamic interrelation that redefines the boundaries between acceptable and unacceptable cultures.

## CONCLUSION

To refer back to deviancy theorists examined at the beginning of this chapter, the various discussions precipitated by urban theory and regulation can serve to update and reinvigorate the study of the process of social differentiation. In particular, this thesis will explore the relationship between a supposed contradiction. For example, in policy and academic discussion, there is a preoccupation with the kinds of undesirable behaviours arising from the dominance of a commodified ‘night-time economy’, and the fear and reactions it engenders. However, this thesis will focus on the way in which the process of commodification, encouraged by city planners and viewed as a form of social control, conjoined with new strategies of regulation, engenders social differentiation.

This thesis will also address the nightlife as ‘social problem’ perspective described above in a particular way. In different ways, particular thinkers have suggested that social fears, the subjective understanding of social problems associated with city spaces, and the drive for safety and security are motivated by the preoccupations of the middle-class with normalisation, individualisation and exclusion (Zukin 1996, Amin, Massey and Thrift 2000 Sennett 2001) and definitions of the social problems outlined above can be seen to derive from particular class interests. Although understood as evolving from structural transitions, they undeniably exist, as the realists would argue (Young 1994).

The question that this thesis attempts to address, therefore, is what impact these fears have on the development of nightlife as a spatial, social and cultural form. This reflects in particular ways the preoccupations of juridification theorists. Teuber (1987), for example, points to the way in which as regulation evolves in complexity, a contradiction emerges

between the form and its object. Using Habermas's conception of the 'colonisation of the lifeworld', he argues that law can create social disintegration if it 'intervenes in self-regulatory situations in a way which endangers the conditions of self-reproduction' (1987:24). To put this more fluidly, however, to what degree is there *an interaction between the definitions of the 'problem', the policy solution prescribed, the process of commodification, the production of social differentiation, the definition of acceptable and unacceptable cultures, and the future of cultural diversity and experimentation?* Chatterton and Hollands (2002) have explored the way in which nightlife is shaped by a complex interaction between the production, consumption and regulation of culture to produce a distinction between 'mainstream' and 'residual'/'alternative' nightlife, the latter two forms subject to exclusion. However, such analyses concern a traditional focus of youth culture theory on the distinction between the mainstream and countercultural. Although in some ways this thesis is reflective of such concerns, the social concerns of class and racial exclusion are more central in both innovating the forms of social differentiation and informing their expression. The way in which the cycle can be broken down into a researchable form will be discussed in the following chapter.

## CHAPTER 2

### RESEARCH METHODS

The aim of this thesis is to analyse to what extent the transformation of nightlife into the night-time economy (in other words, its use as a sector for economic development) has created new forms of social differentiation in night culture and the locality, and what are the processes by which this differentiation occurs. The site for the research was an anonymous locality in South London. The reasons for area anonymity will be explored in the section on ethics, but it is important to note, for information purposes, that the area has been given the pseudonym ‘Southview’. The locality was chosen for three reasons. First, because the area itself is small and well defined as a London locality. Second, because it had been the site of the development of a well-known ‘night-time economy’. Third, because the area had had a large African/Caribbean, black population and a history of black radical politics and cultural innovation, little of which from a cursory glance seemed to be realised in the new night-time economy. In this respect, the research aim is alternatively framed thus: to what extent did the old social relations of the locality, in particular the forms of social exclusion of the black (and many of the white) population by the local state, frame the formation of the night-time economy and the process of differentiation? This, in effect, orientated the research to the past as well as the present.

As already identified in the previous chapter, nightlife is influenced by three social forces: economy, culture, and licensing law and policy. In respect to the former, economy, the actual parameters of economic change are hard to identify, given the historical location of

nightlife on the boundaries between legality and illegality. Hence, this research is interested in the way that nightlife became incorporated into schemes for local regeneration<sup>1</sup>, and, indeed, came to be considered as a legitimate site for business development. In the initial stages of research, it was felt that the critical mass of change had occurred during 1993 to 1998; that is, the years in which a City Challenge programme, the Southview Challenge Company Ltd (SCCL), had been active in the locality. In this respect, key questions included:

- What role did SCCL play in the colonisation of nightlife in Southview, that is, its transformation from a largely black orientated nightlife to a white-consumer orientated night-time economy?
- How did the participants in SCCL understand their role and the role of the Board, and what did they feel were the barriers facing them?

A second key area was cultural transformation. This concerned a number of issues. First, for example, the broad cultural changes that had occurred nationally and globally, and which had a corresponding effect on the locality (Bianchini 1993, Castells and Hall 1994), to which Southview was no exception. Second, the impact this had on nightlife, in terms of the way in which nightlife was becoming 'commodified' in its preoccupations (Thornton 1995) and the way in which people in the locality, or visiting the locality, responded to

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<sup>1</sup> Symbolised by the term 'night-time economy', which describes a nightlife harnessed for the purposes of economic development (Lovatt 1996).



these changes. It seemed important to analyse or locate the way in which local people and visitors related to the new economy, and how they understood the importance of place. This raised the following questions for research:

- What was the impact of national/global changes in the context of Southview?
- Was it the case that, if nightlife was being commodified, new social divisions were occurring as a result? How were those divisions expressed?

Third, as already seen in the previous chapter, it was important to analyse the role of licensing law, policy and policing in the local transformation. In particular, its relative importance in relation to other changes. In this respect, the following research questions were framed:

- What are the key issues for licensing in the locality and how can they be understood as an aspect of the transformation of the night-time economy?
- How important is licensing in the structuring of nightlife and the night-time economy in the mechanics of exclusion?
- What are the roles and motivations of each of the personnel involved?

- How do they understand the benefits and problems of ‘nightlife’ compared to the ‘night-time economy’?

The research, then, identified three areas of investigation: regeneration strategies; cultural interrelationships; and licensing law, policy and policing. In terms of personnel to be accessed, this entailed working with regeneration bodies, licensing agencies and the police. Moreover, the research would entail some form of local ethnography to identify interrelationships and cultural meanings in a natural setting (Brewer 2000:37). However, there were two barriers that could be identified. On the one hand, the research was beginning in 1998 and therefore was retrospective in nature as well as having to take account of contemporary trends and expressions. On the other, given the emphasis on process and practice in the methodology, to what extent was it possible to understand those developments whilst not being involved in any of the agencies (Miller 1998)? As Brewer (2000:61) argues, it is easier to undertake a proper ethnography of agency practice as an aspect of one’s work, and yet, in this research, I was a research student and not a practitioner.

Moreover, the research was limited by resources of time, money and my relatively low ‘status’ as a PhD student. There is always a pressing need to fulfil deadlines because of financial limits (the need to obtain work after a period of time and therefore finalise the research project), and money itself limits the time a researcher is able to spend in the field. In the case of the rather subterranean world of nightlife and the regulation of nightlife in particular, the need to be seen as a local ‘face’, to understand the political and social

preoccupations of the area, seem to suggest a long-term study. This, combined with the need to understand the way that the locality worked - the forms of disputes, the influence of history, the subtle expressions of racial and class difference – is suggestive in this view of a ten-year, not a two-year, study. Having spent a great deal of time throughout the years in the locality, as well as having a long-standing experience of nightlife, this was alleviated to some extent<sup>2</sup>. However, in terms of understanding the mechanics of regulation and the strategies of regeneration, it required effort and thought to appreciate their complexity, and still I regard it as a learning process that has not been completed. In this sense, I regard the research as a first stage of intellectual development.

Hence, the research project was designed with these limitations in mind. The following sections will explore the elements of research design. First, the use of a single case study. Second, the choice of research methods. Third, the use of triangulation as a means of validation.

## RESEARCH DESIGN

### Case study

This research concerns a case within a case – the interrelationships between economic development, cultural change and law, policy and policing within a single area case; that of Southview. As Hammersley and Gomm (2000) point out, the use of a single case allows for

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<sup>2</sup> The importance of this will again be discussed in the ethics section.

the collection of large numbers of features in each case, rather than a single feature of a number of cases or units of data. Hence, case study research allows for complexity of explanation. In the research, such emphasis was both a practical and theoretical concern. The time-consuming nature of issues of access (see section on ‘research process’) necessitated an engagement with a single area. Theoretically however, in research practice and analysis, the study attempted to hold to a form of what Becker (2000) calls ‘narrative analysis’ which treats the ‘dependent variable, the thing to be explained, as something that comes about through a series of steps’ (2000:226). Causation is viewed sequentially, as having different effects in different points of the narrative explanation. Hence, the narrative form replicates as far as possible ‘real’ events, interrelationships and multiple causations.

The main issue concerning validity in the case study approach is that of ‘generalisability’. In the case of this research, explanation was sought as to the way in which the processes of regeneration, regulation and cultural change interacted to produce new manifest social divisions. This involves, then, not only generalisation within a case, but also could be used to generalise outside of the single case (Gomm, Hammersley and Foster 2000), in the sense that reflection is then made on existing research and practice in the concluding chapter. Here, account is made of the way in which researchers have attempted to negotiate the problem of generalisability. Stake (2000) notes that case study allows for ‘naturalistic generalisation’ (2000:22); in other words replicates the way in which people experience the world. Lincoln and Guba (2000) further qualify this, utilising Cronbach’s notion of ‘working hypotheses’ (2000: 38) to understand how case study research can be used as a framework to investigate further cases. In this research, the latter concept is particularly

utilised in conceiving the research project as part of a longer process. Gomm, Hammersley and Foster (2000) underline how case study research does not just imply theoretical inferences, but can be used as an aspect of empirical generalisation if attention is given to two aspects of the research process. First, by reflecting on how the case may be typical or untypical by comparing it with existing data relating to the case. In the research, for example, documentary data was consistently used to look both at the national historical development in licensing law as well as local histories. Second, by using systematic sampling techniques not based on convenience and closeness to the object of research necessarily but, for example, sampling extremes of possible respondents. Care was taken throughout the research to ensure a range of opinion within the particular populations of licensing agencies, regeneration agencies and nightclub observation. However, again this was limited by the problems of access and therefore researching within such strictures sampling can be based on a combination of convenience and snowballing (Bryman 2001:301).

### Choice of research methods

The methods chosen for this research, due to the limitations described initially in this chapter, were semi-structured, in-depth interviews, documents and ethnographic participant observation. From the perspective of studying the practices and subjectivity of regulators and regenerators, but having no insider status, semi-structured in-depth interviews seemed the most appropriate means of facilitating access. As Brewer (2000:67) argues, such interviews are able to handle both factual questions (for example, history and practice of

the respondents) and more open-ended questions (the way they perceived law or policy). The use of historical and legal/policy documents would be a means of reinforcing an understanding of practices; for example, using licensing minutes to analyse the basis of decision making vis-à-vis licensing. Moreover, because the project was analysed as historical process, documentary research along with interviews used as historical documents could provide an interpretation of historical developments. Unlike interviews, as stated by Brewer (2000:72), documents that exist prior to research, are generally uncontrived (but see the following section on documents) and most importantly are longitudinal. Lastly, the ethnographic participant observation would provide a perspective on policies as they emerge in the 'natural setting' (Brewer 2000:27) of people, and, moreover, provide an understanding of the way that local culture and club culture interacted dynamically with the perceived changes.

### Triangulation

The main form of validity used is triangulation, described by Walsh (1998) as the use of different kinds of data as corroboration as they derive from 'different phases of fieldwork, different points of time, accounts of different participants, or using different methods of data collection' (1998:231). As Miller (1998) argues, it is assumed that by looking at an object from more than one standpoint, the researcher gains a more 'comprehensive' knowledge about that object (1998:25). Triangulation was particularly important in this research due to the object of study and the limitations derived from the study of the

‘powerful’ described throughout this chapter, and particularly in the section on ‘problems of access’.

As seen in the previous section, triangulation of methods (Denzin 1978) can be used to reveal both different viewpoints of the same reality, but is also used more pragmatically to ‘extend the range of data’ (Brewer 2000:59). For example, documentary and ethnographic data could be used in the context of the interview to clarify accounts of events and reveal points of knowledge that could not be by-passed in a ‘power-play’ by the interviewee. Points raised in interviews, for example, the preoccupation with ‘noise’ in the council, could clarify the meanings of ethnographic data (the obsessional closing of doors by doorstaff) and documentary data (the frequent emphasis on noise in the licensing minutes). Lastly, ethnographic data, such as actually witnessing or following events referred to by interviewees, could clarify or throw light on the contradictions present in documentary accounts. Although once again this was limited by issues of access as not all narratives could be cross-checked in this way, such inconsistencies are portrayed in Chapters Three to Seven.

Triangulation was used in a different but complementary context, however, as a theoretical interdisciplinary approach (Denzin 1970:310). As far as possible the different disciplines surrounding the study of space and the urban, youth culture and law have been brought to bear on this research (see Chapter One).

## THE RESEARCH PROCESS

The research itself was conducted between February 1998 and August 2000, with the most intense period of research occurring between June 1998 and August 2000. The main ethnographic research occurred between June 1998 and December 1999, while documentary sources were consistently sought throughout the whole research period described above. The three methods of semi-structured, in-depth interviews, ethnography and documents will now be explored.

### SEMI-STRUCTURED IN DEPTH INTERVIEWS

#### Interviewees

There were broadly five groups of people targeted for interview:

- Board members and the executive of the Southview Challenge Company Limited (SCCL)
- Members of borough council involved in regeneration issues.
- Personnel involved in the regulation of licensing: the police, council officers, councillors and magistrates. Although bodies such as the fire brigade are involved, they



are largely involved in health and safety monitoring and therefore could be described as not directly ideological in the sense that they do not make decisions, but only advise.

- Nightclub owners or managers (whoever was the licensee, in other words).
- Various members of the local ‘community’ - residents associations, community groups or social movement/squatter groups.

In total, thirty-one formal interviews were conducted, of which all, bar two, were taped<sup>3</sup> and more details are included in the following sections. Three of these thirty-one people were re-interviewed<sup>4</sup>. In addition, a range of other informal interviews and conversations took place as an adjunct to the local ethnography, some of which were relevant to the final write up and some which were excluded (the information was interesting but perhaps not directly relevant to the subject). Many of these accounts were accessed by contacts I already had in the area, for example friends and associates who had lived there for a number of years, some since the 1970s. These formed an important backdrop and source of information, particularly in guiding whom to access and what kinds of information should be asked. For example, the owner of the StarBar, Neville Hampton, evaded me for a considerable period of time, but I was told that he was not only an important figure but also

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<sup>3</sup> The Chief Executive of SCCL insisted that a non-taped telephone interview was to be conducted, and another interview had to be reconstructed from memory after it was lost in a bag snatch (not in Southview).

<sup>4</sup> In one case this was due to lack of time for the original interview. In the other cases (a licensing officer and the licensing officer for the MET), they were re-interviewed for the purposes of clarifying certain key historical and contemporary points, particularly around race. This was necessary as the initial interviews had been conducted early on whilst the core research questions were still to be accurately conceptualised.

important in particular respects (for example, the controversy surrounding the StarBar). I had three such 'guides' who were channelling information to me in different ways. One had direct experience of race-associated conflicts and the way this impacted on nightlife. Another had experience of the history of political conflicts in the area. Another was in touch with media circles.

In addition, a range of informal conversations or interviews arose as a consequence of the research process itself. These total seventeen and include several conversations with two academics researching SCCL, the police inspector in charge of the licensing division, one club owner (a conversation in a bar that later materialised into an interview), three officers from the borough council, an officer from the Government Offices for London, three anarcho-greens involved in various campaigns around the Southview area, three members of a local drugs project, three members of a central residents association and one member of an anti-drugs campaign set up in 1999.

There were two distinct experiences contained within the research process. One concerning interviewees broadly concerned with regeneration, and the other interviewees whose field of concern was licensing. They will be discussed separately because the interview process was more difficult in the case of the former than the latter.

### Regenerators

I had initially aimed to interview personnel in both SCCL and the borough council with respect to regeneration issues. The Board members of SCCL proved to be fairly reluctant to being interviewed after they were tracked down (this required some effort as SCCL had disbanded in March 1998, in other words, just prior to my attempts to contact interviewees, which really began in August 1998). High levels of cynicism were exhibited due to the level of in-fighting and recrimination that had taken place on the Board (discussed in Chapter Four). Additionally, many of the interviews, particularly for the individual board members as opposed to the executive, were taken up with relaying those impressions, and in general had very little knowledge of the relationship between SCCL and the development of the night-time economy (this again is discussed in Chapters Four and Five). It was clear that most of the cultural projects had either been carried through by the executive members of the Board (of which two were interviewed along with what was seen by others to be the other members of the executive grouping – the Chair and a ‘large business’ representative). Despite this, however, I did attempt to access a range of board members, which included two representatives of the Small (Black) Business Forum, two from the community forum, in addition to the executive members. The key figures, posts and their pseudonyms are signposted in the following:

Regenerators

Southview Challenge Company Ltd:

Chief Executive	Henrietta James
Monitoring & Systems Officer/Deputy Chief Executive	David Worth
Chair & Large Business Representative	James Hatton
Large Business	Jonathan Fleming
Small (Black) Business Forum	Martina Drake Richard Keith
Tenants Forum	Sarah Turner
Community Forum	Doug Parsons
SCCL Evaluator	Jenny Brown

Southview Borough Council:

Planning Officer	Dave Ellison
Town Centre Forum	Carol Underhill
Crime Officer	Ella May
Councillor (Planning Committee)	Terrance O'Leary
Ex-councillor (Planning Committee)	George Waldings
Regeneration Officer	Richard Price

Although the interviewees were generally co-operative, relaying a series of descriptions and perspectives that coalesced in terms of both events and conflicts, they do not provide a complete picture, as such as key members of the Board refused to return my calls and letters. This included the Metropolitan Police Divisional Commander who sat on the Board from 1994 onwards; his predecessor, who had retired and could not be contacted despite several attempts; one community forum member who had moved on to a different project and similarly did not return my calls; and the Leader of the Council who had sat on SCCL but who again did not return my calls or letters. In addition, the interview with the Chief Executive of SCCL took over a year to finalise and the interview was only agreed to if a list of questions were provided beforehand. The interview was not taped and was conducted over the telephone. As such, the interviews themselves on the whole could be regarded as not having the clarity of, for example, those concerned with licensing, as they were punctuated with conflict and bitterness.

If interviewing members of SCCL was difficult, co-operation from the borough council was near impossible in terms of the remit of regeneration. I managed to interview the newly appointed Town Centre Manager and the Crime Officer, and in addition had an informal conversation with a long-standing regeneration officer at the start of the interview process and a shorter conversation in which I requested some statistical information from the council, plus Single Regeneration Reports (which were not forthcoming). In general however, I met from the council what can only be described as a reluctance to be researched (which will be discussed in the following section). Moreover, the council itself had, and still has, a high turnover of staff and was subject to ongoing institutional

reorganisation (the regeneration department had been reorganised again during the research period). However, this problem was counteracted by available documents, the accounts of events from interviewees already described, and an interview with a former employee of the Planning Department, who had moved on elsewhere in 1997 and was willing to talk about both the Urban Programme developments and SCCL.

With hindsight, however, I could have spent more time trying to win councillors to my cause, as they proved to be helpful in relation to licensing and had a more helpful attitude to researchers in general. Having said this, however, the problems and barriers encountered so far had swallowed extended periods of time and attention that needed to be spread more thinly, given the dual nature of the research. As SCCL had occurred in what could be described as the ‘critical mass’ of change, it seemed at the time to be more relevant to have interviewed board members. Moreover, any researcher will feel some element of frustration at the lack of clarity of interviews or the feeling of being ‘side-tracked’; and indeed, I feel that this theoretical haziness is illustrated in the account of regeneration and change in Chapter Four and part of Chapter Five.

### Regulators

In contrast, those personnel involved in licensing proved to be more accessible and open in the interview process. Comparing this experience with the former, it is perhaps because licensing is seen, at least within the council, police and courts, to be less politicised and contested (see research findings in Chapters Six and Seven).

Within this group, I interviewed the Head of the Directorate of Regulation (DoR) of the borough council, and three other officers of the DoR: one who dealt with entertainment licensing (interviewed twice), the Borough Solicitor and a noise officer. I was also able to interview two current members of the Licensing Committee of the borough council (the Chair and the Vice-Chair), a former long-standing member of the Licensing Committee (who also sat on the Planning Committee and was central to initiating a change in licensing hours in Southview) and one long standing opponent of licensing deregulation. Within the local Metropolitan Police I interviewed the local Licensing Officer, a Sergeant (twice) along with his superior, an Inspector, and the local MET Community Liaison Officer, also an Inspector. I was also able to interview the Chief Superintendent of the Clubs and Vice Squad in Westminster, a body that influences policy across London. I had been able to access these personnel using a contact in Scotland Yard, at that time involved in academic research. By using his name and the fact that he was prepared to vouch for me, access to the police was possibly much easier than would otherwise have been the case. I spoke with the Licensing Magistrates' Clerk on the phone and it was unfortunate that he was not forthcoming in terms of allowing access to neither the Licensing Committee of the magistrates' court, nor court records. Although these were not all of the personnel involved in licensing matters, it is a selected cross section that takes account of different departmental politics and political differences, as well as providing for an historical overview pre and post-regeneration. There was one institutional exception to this, and that was the MET, for whom the Sergeant embodied in essence sole responsibility for licensing matters, an issue discussed in Chapter Seven.

In addition, I was able to interview eight licensees from six of the venues (clubs or bars) that dominated the centre of Southview<sup>5</sup>. Five of the interviewees had set up businesses in the area in the 1980s and had therefore long term perspectives on licensing and regeneration issues. Two of the licensees were black and six were white (although one licensee was in the business with her black partner and one was in partnership with an Indonesian businessman). The degree to which they were willing to reflect critically on their experience differed, however. To some extent, this was partly to do with the extent to which they exhibited a businessperson's impatience with reflection (exhibited by the male owner of the Dome and again the male owner of the StarBar<sup>6</sup>). Most were to some degree or other hesitant or indirect in the way in which they spoke, particularly of their experiences with licensing and the police, and one, a black licensee, stated that he wanted both anonymity and that what he told me was not to be used in a publicly available document, which was adhered to. All except one interviewee exhibited the 'respectable premises' perspective, which, due to their acceptance by the licensing authorities or their long-standing relationships (discussed in Chapter Seven), meant that their experience was not necessarily directly discriminatory. However, particularly in an historical sense, there were exceptions to this rule as they had not always been 'legitimate' or accepted locally. Hence,

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<sup>5</sup> In terms of one venue, the Dome/Dome Bar, I had originally interviewed the manager but he had only been working there for around 2-3 years. I was then able to get hold of the partnership that actually set up the Dome in 1981. The partnership are included as two separate interviews because they were mostly conducted separately (due to one partner being out of the room) and they made different contributions.

<sup>6</sup> Who in addition attempted at several points to get out of the interview – for example, not returning calls or sending an inexperienced manager to talk to be, and limiting the time of the interview to half an hour.



an account of their gradual incorporation as the context of their operations changed was relevant for the thesis.

The following indicates the key figures, posts and their pseudonyms:

Licensing regulators and regulated

Directorate of Regulation:

Head of DoR	David Aspen
Entertainment Licensing Officer	Colin Trace
Noise Officer	Peter Rogers
Borough Solicitor	Andrew Wilson

Licensing Committee of the council:

Chair	Andrew Stevens (Lab)
Deputy Chair	Stephen Rogers (Lab)
Former Chair	Terrance O’Leary (Lab)
Participant & activist (Councillor)	George Waldings (Con)

Metropolitan Police:

Inspector of Licensing	John Wilkinson
Licensing Sergeant	Brian Walters
Sector Inspector	Andy Brightman
Clubs and Vice Unit	Tony Hadden

Clubs and club owners:

Co-owners of the Dome/Dome Bar	John Peterson
	Susan Waites
Manager of the Dome/Dome Bar	Bob Hatchett
Co-owner Club 99	Jane Marriot
Co-owner Thai Heaven & Zebra	Peter O'Brien
Co-owner Zebra	Nigel George
Owner of the Southsider	Michael George
Co-owner of the StarBar/Prayer	Neville Hampton

Interview process

The interviews were conducted mostly in Southview itself, in the premises of the interviewees (offices or clubs) or in local cafes, which meant that as far as possible, the interviewees 'personal and social context' (Kvale 1996:212) could be noted and

commented upon. Why this was important could be demonstrated by one interview of Neville Hampton of the StarBar who kept me waiting for an hour and a half, which gave me an opportunity to observe the surroundings. In this time I found out that at least five business meetings had taken place in the venue (it was daytime) and that the police were holding a private session upstairs. This gave me some insight into his own networks as well as the way in which the business was operated.

One important issue to do with process here was the decision to tape as many of the interviews as I would be permitted. The fact that some interviews were taped and some were not provided the ideal opportunity to compare the two methods. As Kvale points out, the benefits of non-taped interviews is that it develops the skills of ‘active listening’ (1996:162), key to the thought process. The problematic aspect is, however, that memory can be selective. The problem of the taped interview is that the context is absent when transcribing begins (Kvale 1996). These issues were important here as I was keener throughout to counteract the bias of listening<sup>7</sup> and ensure systematic analysis of themes, and attempted to overcome the absence of context by making a diary note after the interview of any non-verbal interactions, context and events within the interview setting.

Most important, however, is whether the taping of the interview influenced the openness of the interviewees. This was an important issue because, particularly when interviewing club

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<sup>7</sup> This was a real problem to overcome as I noted the difference between taped and non-taped interviews and also what I remembered from an interview, which seemed very different from the transcript and indeed certain themes seemed totally new. Such problems could not be overcome by taking notes because it is of course important to engage with the interviewee rather than looking away to take notes. Tape recordings allow the interviewer to focus on the questions and particularities of the responses. This seems particularly important when the interviews are semi-structured.

owners or even 'state' actors over an issue of illegality or backroom dealing, anyone would be reticent about discussing it on tape. Having said this, I still wished to retain the consistency of a taped interview with an analysable transcript. The way in which I attempted to overcome this, apart from relaying the anonymity issue at the beginning, was to specify that they could ask me turn the tape off during the interview (which two interviewees took advantage of and which I encouraged them to do when they seemed overtly hesitant). Also, I engaged people in conversation before and afterwards over any extraneous issues of the above sort. Despite the problems of taping interviews, on balance it again seemed preferable at the time to emphasise the detail of responses, rather than make a real issue out of openness which may not have been affected by the taping process at all - if trust is established and boundaries described in detail and observed throughout.

As already explored, the choice of the semi-structured interview for this research was guided by the type of information that needed to be inculcated from the object of study; that is, attempting to reconstruct both the process of change, the practices of local state actors, their local impact and the way in which people conceptualise and react to those changes. Kvale (1996) defines the 'semi-structured life world interview' as 'an interview whose purpose is to obtain descriptions of the life world of the interviewee with respect to interpreting the meaning of the described phenomena' (1996:6), but for the purposes of this research it is obvious that the semi-structured interview needed to be adapted for broader purposes, as described above.

One reason for this is a result of the object of study, that is, an examination of the *regulators* as opposed to the regulated, and as a consequence documented knowledge, minutes and internal discussions were difficult to access (to be examined later). Hence the interview played the role of not only exploring the ‘life world’ meanings of the individual actor in his or her functional context, but also was attempting to bridge the gap of accessible knowledge. The dual function of the semi-structured interview as described, therefore takes on an unusual temporality (Perakyla 1998), in that issues of long-term processes and practices alongside the temporally limited consciousness of those actors are all conducted within the confines of an approximately one-hour interview. Clearly there are limits to the extent to which interviews can function in this dual sense. However, such a function is simply a pragmatic resolution to the problem of access.

The question of the limits of available written knowledge also created the added problem of what questions to ask that would access the required forms of knowledge and prompt unselfconscious reflection amongst interviewees, without provoking a need on the part of the interviewees to implement closure. Inevitably, as this was a difficult line to follow, mistakes were made, particularly when interviewing more politically active actors who have learnt efficient devices of self-protection which would often prompt impatience on my part. However, there were various techniques and devices that could be employed to overcome both the obstacles described above.

First, the issue of anonymity perhaps played an important part in alleviating the second problem, although for the most part this is hard to identify because only a few interviewees

actively stated that it was an issue for them. Having said this, those that did think it was important tended to be more open in the interview itself. There were three specific examples of this. The Chair of SCCL, James Hatton, specifically asked the tape to be turned off to explain a controversial point. Brian Walters, the Licensing Sergeant, waited for the end of the interview to explain how a certain law had been neglected by the MET for reasons of self-interest. Henrietta James, the Chief Executive of SCCL, while specifically requesting a telephone interview, the specifics of anonymity, and for the interview not to be taped, was actually quite open and revealing in the interview itself.

Second, it was important, in general, to adopt an attitude of empathetic 'openness' (Kvale, 1996:149) to the positions, ideas, and practices of those interviewed. This, of course, was very difficult given that overall the research is defined as a critical project<sup>8</sup>, and many of the views expressed and practices adopted were entirely contrary to my own. An obvious point that comes from this is that there is a potential ethical problem in the interviewer hiding or being vague about the research purpose (Punch 1998:172). Interviewees were all told what the research was about in general terms - a study into the regulation of nightclubs, the relationship between licensing and regeneration - and were told the areas, the organisation/venue, and that their identity would be kept anonymous for publication - but it was very much my judgement as to whether I explored with them some of the initial observations and ideas I had gleaned from the research. I would tend to do this more with 'community' figures and other such non-state actors, as it of course became an issue of trust

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<sup>8</sup> Despite the problem of potential bias verses the need to retain objectivity (Hammersley 2000), it is difficult to see how a research project such as this could be designed without a critical impulse.

and overcoming racial or gender boundaries between the interviewer and interviewee (Punch 1998:165). Does this illustrate an ethical problem in the interview process? I would argue not. In most of the interviews the respondents were simply describing their jobs as they understood them to be, and I wanted them to be open about describing their life-world. Particularly in relation to an issue such as race, individuals are fearful or highly selective in their terminology when discussing processes of exclusion. In addition, the research itself takes the standpoint of non-accountability of individuals as opposed to institutions. The process of reflecting on the interviews with a measure of empathy made it possible to view those attitudes and practices not as a product of conscious will, but a combination of structural constraints and an unconscious adoption of roles and legal codes.

The third measure taken was to conduct the interviews over an extended period of time (from August 1998 to August 2000). This allowed the interview process to adapt to the requirements of process and to take the research outside of the obsessions of a particular moment in time towards more consistent themes. This also allowed for flexibility with regard to the choice of interviewees by using the technique of snowballing. This was important because on the one hand the turnover of actors in both the council and the police was high, but also because at certain points little further of interest could be gleaned from certain avenues of inquiry. Moreover, the time length of the interview process meant that this aspect of the research could interact usefully with both document research and the observation/participant observation, serving the purpose of not only feeding into these areas from information given from the interviewees, but also pinpointing important actors which a more time-limited approach would definitely have overlooked, given the obliqueness of

the locality. Although this extended period of field research was longer than usual for a time and resource limited project, ultimately it allowed me to mitigate some of the problems mentioned initially concerning the importance of maximising absorption in the area.

Lastly, the flexibility over time limits, described above, also allowed for flexibility in the construction of interview schedules (see Appendix A). A set of questions could be reflected upon, occasionally an interview transcribed, and lessons could be learnt as to what worked and what did not. This was particularly important with regard to questions that were outside the knowledge of the interviewee, for example asking a licensing committee member about issues of strategy. Consequently, the interview schedule would alter over time, even if continuity and the necessity of comparability were maintained. Moreover, as with the issue of time described above, knowledge could be imported from document research and participant observation. This was particularly the case with licensing, where initial interviews tended to cover very general issues of law and practice. As my own knowledge progressed as to the intricacies of licensing law and practice, discussion could focus more on the specificity of historical changes in the locality, interpretation of law and the subjectivity of the regulators. As such, very different interviews were conducted from the beginning to the end. There is an issue here, of course, as to the reliability of findings if interview schedules alter over time. However, reliability/validity can be resolved through triangulation, and as such the research was not designed to rely wholly on interviews but on the comparison of the historical and contemporary, national and local documents, and through the interaction between documentary research, observational techniques and



interviews. As such it would have served little purpose to apply consistency in what can be described as an investigative process. Such work has much in common with Robert E Park's description as a 'newspaper reporter turned sociologist' (Lilly et al 1995:40).

## OBSERVATION

This aspect of the research occurred on two levels. First, I spent time in the locality, observing geographical changes (changes in premises or building work, displayed notices, changes in ownership) and social inter-relationships (the way in which people acted and the perspectives displayed). This phase of the research mainly occurred between February 1998 and June 2000, during which I would go there approximately once every 2 weeks (although more frequently during the summer). Additionally I had lived in Southview in 1989 and between July and December 1998. I spent my time wandering around the streets, drinking in cafes, walking around the shops and went to many parties and dinners of residents. The differing forms of my existence there – as resident, as visitor, as researcher – allowed, I believe, for a more complex appreciation of the conflicts and processes of the area. I was able, at first hand, to witness people's developing reactions to the area, the kinds of discussions that took place, and unfolding events. Even if they did not necessarily pertain to the content of the thesis as presented here, they form the context, the flavour and the content of reflection and analysis that flows throughout.

Second, I went anywhere between one and three times to all the venues (clubs, bars) in the Southview area. The point of participant observation in this sense was not to study

subcultures, as is the tradition of youth culture research. In any event, such conceptions were largely irrelevant in what is wholly a commercial space (Thornton 1995). However, as the prior statement implies, the 'ethnography' was conducted from a standpoint of prior experience of radical popular cultures, and judgements were undoubtedly made as to the quality of the culture on offer and the forms of discrimination observable. In essence, this aspect of the research enabled me to observe types of night venues that I would normally avoid on a night out, and gain a perspective on the composition of the crowd, door and security policies, and layout and ambience of a venue. The observations from both forms of study would then be recorded in a field notebook on return from the trip or nightclub.

This process was rather limited by finance and, to some extent, choice. Each bar on a weekend night costs between £3 and £4 to enter, while a nightclub costs between £8 and £15. Most people get by if they are on a limited income at these prices by prioritising what they spend money on; that is, food, rent, heat or clothes, clubbing, substances. My work, age and so on precluded choosing the latter over the former, and required me to limit visitation. Although I received a £400 grant to 'go clubbing' (admission fees and taxi) this was hardly enough for constant attendance, let alone pay for all the 'extras' of a normal night out. If the venues in Southview had been more within my taste, however, I might have made more of a sacrifice. Practically all venues in central Southview, however, are for the 18-24 year-old age group, and commercially/tourism orientated.

The dual focus on both night-time and daytime observation, as well as the triad of research methods used (participant observation, semi-structured interviews and documents) naturally

created exhausting tensions in the research process itself. This was partly a question of time, in the sense that absorption in nightlife is necessarily of a different category to that of daytime experiences (unless the researcher simply looks at nightlife with the same judgement as that of the day). Absorption into nightlife requires adjustment in terms of sleep patterns, more fluid behavioural patterns and also a more tolerant attitude to others. Melbin (1978), for example, accurately describes the night as a time of greater freedom, lawlessness and less bureaucratic centralisation, unconventional behaviour, violence but with greater co-operation between strangers. The requirement to manage both daytime and night-time research experiences, therefore, came up against the contradiction of never being fully involved in the nightlife available. Moreover, the need to actually pay attention to the surroundings as opposed to the usual decline into intoxication normal to nightlife added to this problem. Without absorption, nightlife is simply a series of tacky surroundings, drunken behaviour and tiredness, but with absorption it is transformed into an aspect of the imagination. However, I was constantly aware of this problem and indeed had 21 years of experience of night 'life' to be able to place the experiences and observations in context.

Largely, the interpretation of cultural and social differentiation described in Chapter Five, and indeed throughout this thesis, is a product of those reflections on past and present experiences, and is symbolic of the role of 'self' in the research process. To make a distinction between regulated and unregulated, or cultural and commodified spaces, is to make a judgement that not everyone would share. As seen in Chapter One, public discourse largely focuses upon nightlife as a 'social problem' in which the finer distinctions of cultural form are not even observed. Conversely, there is little discussion outside of

academia (Thornton 1995, Chatterton and Hollands 2002) of the problems of commodification for culture. Part of this judgement and interpretation of this thesis has arisen as a result of my own long-term experience of the changes in the form and content of nightlife, and this informs the thesis.

## DOCUMENTS

The research utilised several different sources of primary data in two areas: one, a historical construction of legal regulation<sup>9</sup>, and the other, documentary data pertaining to the field research. They will be dealt with separately, although parallel issues arose.

In reconstructing a critical, as opposed to legalistic, analysis of the legal regulation of the nightclub/bar/nightlife sector, historisation became paramount. One reason for this is that, particularly in the case of entertainment and liquor licensing, the law itself tended to simply consolidate previous statute and case law. While it is the tendency today for central government to assert that the proposed changes in entertainment and liquor licensing will be a radical departure from past legislation, proposals so far simply refine, as opposed to radically alter, past legislative practices (Time for Reform 2000). It became important

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<sup>9</sup> This material was originally written up as a separate chapter, but then core points were included through lack of space in the literature review. The analysis of national legal regulation, however, informed the field research in the way that regulation is viewed as a broader issue than simply closing times (involving spatial forms of regulation) and that it has as its consciously defined object the regulation of perceived 'problem' groups.

therefore, to investigate the rationale of policy and statutory developments by examining legal history, by compiling a chronology of policy and law as far as possible<sup>10</sup>.

Additionally, however, the few existing attempts to represent regulation in this sphere have tended to be overtly technical (Wright 1972, Manchester 1994, Patterson's Licensing Acts 1999), with critical or sociological comments disposed of elsewhere. I have attempted, then, as far as possible, to use alternative data sources such as historical records from the Public Records Office, White Papers and consultation documents and discussions to unravel the ideological discussion in a few selected historical cases (see Chapter One), whilst relying on the few available secondary sources. The modern debate is of course more accessible and derives from both government and the voluntary sector, although changes to liquor and entertainment licensing are in process and may be incomplete by the publication of this thesis. The problem, however, is that even in the contemporary debate, the legal regulation of nightclubs is a disparate, unwieldy area, spanning the Home Office and Department of Environment along with consultations from the Association of District Councils and the Association of London Government, and combining local and national legislation. The historical discussion has informed both elements of Chapter One and an understanding of licensing in general, although there has been little space to explore legal developments because of the need to preserve an interdisciplinary thesis in the space allotted.

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<sup>10</sup> Given the complexity of liquor licensing law, which dates back to 1495, according to Patterson's Licensing Acts 1999, the presentation of this has been condensed.

In the field research, I have accumulated documents in broadly three different areas, regeneration, regulation and historical/community. *Regeneration* documents include those from the Southview Challenge Company Ltd (action plans, audits and annual reports) and Southview Borough Council (relating to the Urban Programme, Strategic Documents, Crime Audit). Also, a few documents from local business organisations and the Southview Town Centre Forum were useful. Although these documents tend to be limited in their scope, being increasingly presentation friendly, they are useful in accessing the corporate vision for Southview, identifying key actors, and checking chronology and fact. Older documents and minutes were obtainable from a local library archive. *Regulation* documents largely consisted of the Licensing Committee minutes, useful in assessing the basis by which licensing decisions are made in Southview and in providing referential material for interviews (but with limitations - see the section on access following in this chapter).

*Historical/community* information, that is, constructing a minimal social history of the area, was difficult. The issue of race, of course, has been consistently discussed in relation to the 1981 'riots' and subsequent conflicts, and both documentary sources, such as the local inquiry report and proceedings (all contained in the Public Records Office but many parts subject to the restrictions outlined in the Public Records Acts) and secondary material, are relevant. However, material was scant in relation to Southview nightlife. Material available from the Black Cultural Archives was scant (and what there is, is presented in the following chapter) and it was clear that there had been little focus on entertainment as an aspect of black history. Police files were not available due to the fact that they are disposed of often within a year or otherwise not available for public use.

Such accounts were contained within the memories of participants or ‘under peoples beds’<sup>11</sup>. The problem here became, of course, accessing people around from the 1970s and 1980s who participated in the local nightlife, many of whom had either moved on or simply had no public face to access. One detailed account is included, however, from an interviewee, and a long-serving police officer, who relayed his memories of events via the Licensing Sergeant. Some GLC records were accessed from the London Metropolitan Archives of illegal clubs between 1976 and 1980. As already illustrated, accounts from, for example, club owners, also filled in some of the gaps, and some secondary sources were useful.

The range of material sought tended to increase as a means of overcoming the high turnover of the population and local regulatory personnel. It became important as the investigation proceeded to historicise events, as the contemporary stasis was very much derived from developments of the past. However, as will be seen in the section below, the pursuit of documents in relation to law and policy is subject to constraint of both a formal and informal character.

## THE PROBLEM OF ACCESS

In order to examine the ideological content of law, it is necessary to look closer at the internal discussions between the civil service, the police and ministers, as well as any other consultations that may be engaged in. However, there are vast swathes of information that

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<sup>11</sup> According to one local source.

are kept from public view. The first Public Records Act was in 1938 and sought to preserve some archives under separate administrative procedures from that of government. The Public Records Act 1958, however, formally instituted this process, and provided for the internal review of departmental records, the establishment of a public records office, and a time limit of 50 years for secrecy, unless 'special considerations' dictated that it should be for longer (PRO 2000). In 1967 the Public Records Act reduced this to 30 years, again, with the possibility to retain their closure for anything up to 100 years<sup>12</sup>. Police files for the Met are kept in a separate archive and not available to the public at all (source Metropolitan Police Archives 8/2/00). The archives of the London Metropolitan Archives are reasonably open, but their archive is dependent on records being passed to them by public bodies. For example, whilst I was able to access GLC licensing records from between 1976 and 1980, and some previous isolated files, post 1980 they were transferred to the local authority and were in fact destroyed in a departmental move by the Department of Regulation. The way that this influences analysis is that it is possible to reconstruct a partial history of licensing law up to, approximately, the end of the 1960s (and even then some documents are still concealed, for example internal discussions relating to the 1964 Licensing Act). After this point the analysis is reliant on publicly available discussion documents, such as White Papers and consultation documents, in which the language, direction and content of discussions are very different - for example, a tendency to avoid the issue of moral judgements. The problem with this is that does this mean that preoccupations have

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<sup>12</sup> Government records are also governed by the Data Protection Act 1998, the Draft Freedom of Information Bill 1999, the Code of Practice on Access to Government Information, the Access to Public Records (PRO), and A Manual of Guidance, consultation draft 1999 (PRO 2000).



changed, or merely that they are not made public? In terms of the locality, post 1980 records are missing, and therefore I was dependent on oral accounts.

In the locality, with regard to licensing, the Licensing Committee minutes are available. They are limited, however, by several facts: the council tends to destroy records that go back more than six years. Alternatively, they may be available, but are kept in council vaults in an unsorted condition inaccessible to the public and researchers. The minutes themselves are of differential quality; some more detailed than others, with different committees adopting different rules of disclosure and closed sessions (from which the press and the public are excluded). The minutes from these sessions are then printed on yellow paper and are confidential. Not all licence applications go to committee - new applications should (but one new application that should have shown up in the Licensing Committee minutes between 1994 - 5 I noticed had not done so). Many potential applicants do not even go to the application stage. Instead, they go to the council licensing officers or to the police to discuss their application and are advised not to apply (see Chapter Seven). Files, of course, on each venue are kept but are confidential because they are 'current'. Such measures prevent an accurate analysis of the basis for decision making with regards to documents, and in particular the more subjective attitudes of the police and council officers are not recorded. Locally, when entertainment licensing applications go to appeal, or when the applicant only requires a liquor license, decision making takes place in the local magistrates' court based in another district. Records are not available to the public.

Investigating regeneration in the locality also proved to be a political minefield. Attempts were made throughout the research to deny access to both private and public records with respect to SCCL (held in the basement of the Town Hall, the Government Offices for London, and in private records of individual board members<sup>13</sup>) and they were not available in the local library archives. Indeed, I encountered both formal (I wasn't permitted to see certain documents) and informal (putting me off, being given endless leads which proved useless) resistance. In retrospect, it was unclear why; apart from the fact that there had been some controversy about the last year of SCCL with regard to the flagship project, and that accounts had not been submitted, which had very little to do with the subject of the research. These problems were not confined to my own research, however, as other academic researchers encountered similar denials and reported threats to sue which cannot be specified here (Field Notes 7/10/99). Indeed, as those researchers tended to indicate, the initiation of defensive strategies by the protagonists were more motivated by disorganisation and claims of incompetence than any conscious ideological motivation in the issues they were most concerned about. However, the defensiveness expressed by these bodies profoundly influenced the shape of the research, in the sense of putting more emphasis on 'ground level' research to by-pass these strategies of concealment; that is, if one cannot look at the inside, one can look from the outside in. In one way, the lack of ease of access benefited the research by moving away from discursive issues towards the 'real', away from the more rarefied concerns of policy-makers.

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<sup>13</sup> One interviewee offered to show the minutes to me but by that time I had already seen sections of minutes which demonstrated a great deal of private bickering.

## ETHICS

In the research there were broadly four, sometimes interrelated issues that arose in the research design, process and analysis. These are the ethical dilemmas surrounding research in 'pathologised' areas, issues of anonymity, differentiating between the 'powerful' and the 'powerless', and the role of identity in the research process.

### Researching pathologised areas

Southview as an area was well known and in particular had a well-defined media history. Most of these representations were negative (concerning the depth and degree of area criminality) and indeed a range of social problems was associated with the local population. In this sense, therefore, the area had been pathologised and represented a problem, in so far as I chose it as an area to be researched. Is it possible to describe the locality without lapsing into similar discourses (Keith 1993)?

In the first case, such considerations were taken on board to the extent that most of the focus was on the regulators and a specific area of the locality, nightlife and the development of the night-time economy. When discussions of the local activities did become an issue, attempts were made in analysis to reflect upon possible differing explanations for events. For example, with the issue of drugs, attempts were made to explain the 'ordinariness' of such activities rather than glamorising or sensationalising them. Secondly, my own history in the area, both as resident and visitor with local

connections, added to this representation of the ordinary. I did remain constantly surprised, however, at the degree to which danger was a constant discussion for local people I encountered or interviewed, although often expressed differently as is illustrated throughout the fieldwork chapters. Moreover, I was surprised by the degree to which some interviewees – the Town Centre Manager stands out here – seemed suspicious of my own motives for the research, although they never directly articulated this. However, the opposite view held for some and they seemed enthusiastic about the rescue of an important part of local history. Dave Ellison, Martina Drake and to a degree Nigel George articulated such feelings. It seemed important therefore to reflect upon the degree to which local sensitivities could be affected, but recognise a contribution was being made (even if there was nothing directly I could do about the problem of exclusion).

The main attempt to protect the locality and interviewees, however, was through anonymity, and this will be explored in the following section.

### Issues of anonymity

It perhaps goes without saying the interviewees should be made anonymous. However, a decision was made in the research to do the same with places and areas. This issue came up in two different ways. First, given the initial difficulty in accessing interviewees, the suggestion of area, place and organisational anonymity was a means to reassure them that I was aware of their dilemma (although I did make it clear if the interviewee seemed

particularly concerned with anonymity the problems with such assurances). Second, it was a means to 'protect the area' with regard to the media interest and exposure described in the previous section. I was asked by journalists at least four times whether they could read my material, and area anonymity assured them that my account was worthless for their needs. Throughout, pseudonyms were used to retain narrative form and description whilst preserving the identity of place and person. Two exceptions to this were in cases of illegality, where I created additional pseudonyms for those comments. The purpose of this was to protect nightclub owners from any possible prosecution.

There is an issue here about the completeness with which the process of anonymity can be pursued, however, as pointed out by Punch (1998). If names are going to be concealed, the research project has to rely to a great degree on description of the surroundings, people, and places. However, this creates a problem when the place itself is unique as to be instantly recognisable, as is the case with Southview. Even studies such as Middletown (Lynd and Lynd 1929), although anonymous, were easily identified (Punch 1998). However, whilst recognition is inevitable and expected, nevertheless area anonymity still retains a dual function. First, it forces a responsibility on the part of the researcher to describe rather than rely on everyday knowledge and preconceptions of the area. Second, it protects the research from the press intrusion already described, who have little interest if they cannot name the area. In essence, it was perhaps a more political tactic to demonstrate I understood the problems of adding to the pathologisation of the area.

Distinguishing between the powerful and the powerless: appropriate boundaries?

The BSA Code of Ethics states that the researcher should in all cases attempt to disclose the nature of the research to research participants. In the case of this research, I felt that to disclose the nature of the research would mean denying me access to interviewees as well as risking closure in the interviews themselves. As Brewer (2000) argues, it is possible to introduce a general topic, which may not be the whole truth but is an aspect of it – a general outline of the research topic. In this case, I generally told interviewees that the study was about the regulation of nightlife (the importance of certain laws and regulations in the locality in the case of licensing officials, or the experience of regulation in the case of club owners), or to explore what had SCCL changed in the locality, with specific emphasis on the night-time economy. Interviewees were informed of how I was planning to make the area, venue name and personal names anonymous, and requested their permission to be taped (as previously illustrated).

The exception to this tendency to generalise or hide the purpose of the research was when interviewing less powerful respondents or when an issue of trust was at stake. In this case, I would be more explicit about the way that the research was unfolding, perhaps revealing some aspects of what I had found. This was very much a part of the need to show knowledge about an individual's experience, and there was nothing in this encounter which was duplicitous.

Although, therefore, I did make a clear distinction between the powerful and the powerless, in one respect all interviewees were treated equally, this being through anonymity. The purpose of this was to illustrate one important research finding, that individuals are essentially non-accountable in the way conventionally understood, and are simply acting out regulations, laws and practices as they understand them to be (Keith 1993).

### The role of self and identity in the research process

Brewer summarises the way that data is 'highly conditioned by the biography and experiences of the researcher' (2000:99). I found various ways in which these issues emerged in the research. Most commonly focussed upon is the way that certain gender and racial identities can ascribe the researcher to an 'outsider' status (Brewer 2000:100). However, different conflicts emerged in different contexts. With many of the regulators, particularly the police, my 'ethnicity' (white) and my background (from the West Country where at least two of the interviewees from the police originated from) aided an insider status, but as a 'young' female, I was often patronised. However, this worked to the benefit of the research itself as it seemed to lower suspicions, although I did nothing to encourage such behaviour. However, in general I was treated by all interviewees with respect and 'gender' was not an issue.

Was then my ethnicity an issue? I felt not in the specific field in which I was operating. De Andrade (2000) notes, for example, that one is not simply ascribed an insider/outsider status but rather that it is a process of negotiation. For the most part, once I had got past the

barrier of arranging an interview (at which point I only lost one black community figure) the process of trust and communication could, as elsewhere, be negotiated. This meant, in effect, demonstrating knowledge of the specific problems, meanings and experiences of black interviewees, knowledge that comes from experience and an understanding of politics and history. Moreover, I had long engaged in popular culture (the focus of the research) as explained elsewhere. As such, then, to demonstrate understanding was not a tactic, but an expression of my own understanding and experience. It was possible that some topics are taboo, yet given the emphasis given in the research on regulation rather than ‘culture’, although such encounters provoked reflection, I did not feel that they ‘conditioned’ the research.

## ANALYSIS

This section will explore some of the issues that are seen to arise in qualitative analysis before examining the specifics of analysis in this research. There is no distinct schema for analysing qualitative data, although most agree that there are distinct stages of data management, coding and content analysis, in which subsequent stages involve more complex forms of coding (Seale and Kelly 1998, Brewer 2000). Most analysts also identify debates concerning the use of computer assisted analysis, although there again is little consensus concerning its use, particularly regarding the ability of computer programmes to do more than simply data retrieval and coding (Seale and Kelly 1998, Brewer 2000). This research did not use computer-assisted analysis for two distinct reasons. First, the research itself adopted ‘grounded theory’ techniques of analysis and reflection throughout the



research process (Brewer 2000). As such, any additional form of analysis aid seemed superfluous. Second, each of the key groups sampled had their own distinct practice and subjectivity that required different coding systems, and the research aimed at exploring the dynamics of interrelationships. The use of computer aided analysis would have introduced unnecessary complications. A last consideration about parameters is whether the term 'coded' should be used at all. Brewer (2000) notes that ethnographers dislike the term 'code' as it 'flatters that style of research' (2000:110). For this reason, I shall adopt the term 'categorised' as being a more appropriate means of organising and thematising data.

Brewer (2000:110) identifies the first stage of categorisation as simply involving data management. The second stage involves more complex categorisation within the initial organisation. In particular, he identified the need to analyse and pattern behaviour and talk (practice and discourse), key or focal events for respondents, key players, vignettes (meaning key stories requiring further detailed analysis, in this case, for example, the transformation of the Mango into the Star Bar), and some forms of counting (to identify significance) (Brewer 2000:111-114). Content analysis involves reflecting upon patterns and the relationship between those patterns, and further, conceptual innovation which may derive from codes or which may be more abstract (for example, the employment of the concept 'differentiation'). Finally, negative cases were examined (for example, where the police did not act against black licensees).

Brewer (2000) also identifies key points of reflection in the interpretation of data. First, it involves the checking of analysis with others in the field, whilst being critically aware of

those perspectives. Throughout the research, I consistently engaged with others as to the development of my analysis and found both positive and critical responses. This aided the process of reflection. Second, to look for alternative explanations. This involved particularly looking at negative instances, intruding complexities and multiple perspectives that again aided reflection and have been illustrated in the thesis itself. Third, to keep the methods and data in context or to locate the interpretation as linked to the data. Throughout the chapters, it is hoped that the data is kept within view alongside interpretation. This section will now explore the specifics of data analysis in three categories: interviews, ethnography and documents.

### Interviews

As specified previously, the interview data was being utilised for three objects: historical data; actual practice ('factual'); and subjectivity/discourse ('interpretation') and perception (of 'benefits/problems'). Because of this, a system of manual categorisation was adopted. In the initial stages, historical data were separated out from the contemporary explanations of practice and subjectivity. The two different sample groups, given that they were discussing and reflecting upon distinct practices, were categorised separately, although the way in which they interrelated was noted and described in the data presentation. The distinctiveness of the two samples was illustrated in the fact that the regulators had a high degree of consensus with minor conflicts occurring within particular groups, whereas the regenerators had a high degree of conflict over all forms of interpretation. This was accounted for in the analysis.

For the regenerators, the material was initially categorised according to conflicts between the council and SCCL, conflicts between board members, funding conflicts, contested local visions, and statements concerning the night-time economy (NTE). In the second stage, these were then broken down into the particular conflicts expressed by individuals and cliques. In the case of the second example, this meant analysing the two key conflicts occurring between the executive and ordinary board members, and between the Small (Black) Business Forum and the rest of the Board (including the executive). In the case of the latter example, the statements about the NTE were broken down into who was involved, how the development was understood, and conflicts emerging in relation to the NTE. Issues of consensus and conflict were noted throughout and presented in the final thesis. Although a narrative is aimed at, the degree of conflict over the interpretation of events and perspectives is also noted.

Given the level of consensus at least concerning the presentation of practice, the degree of importance placed upon particular issues and the understanding of the various roles assigned in the licensing process, the analysis for the regulators reflects more consistency. The interviews were initially categorised in the categories of formal and informal practices, and were then further categorised as follows. For formal practices the interviews were categorised as to practices involving administration past and present, closing times, health and safety, noise and nuisance and fit and proper person. For informal practices the categorisation was expressed as the identification of problem premises, division of labour, prior relationships in the licensing process, and the way formal procedure was by-passed.

Within these categories, the way in which practices and subjectivities expressed changing boundaries of acceptability were analysed. Again, the degree of consensus and conflict was noted.

For the sample of club owners, in general the form of categorisation was similar. Historical accounts were noted, for example, and their experience of regulation was categorised in a similar way. In terms of regeneration, however, conflicts were not so much of an issue except in terms of relative cynicism, versus local involvement. Whilst noting this, the part played by venue owners in regeneration was noted as described by them. This entailed categorisation as to possible receipt of funding, involvement in networks, and local visions.

A particular issue arose throughout all aspects of the research: this was how to view the use of ‘rumour’ or hearsay from informants. Whilst recognising the limits of this form of knowledge, it became apparent that its consistent use derived from the local sense of powerlessness, arising from both the lack of official channels and the widespread fear of openly articulating covert happenings, particularly when concerning the police. This is similar to what Foucault (1980) refers to as ‘subjugated’ or ‘popular’ knowledges that are given little credence because of their disqualification by mainstream discourse. They do, however, reveal ‘ruptural effects of conflict and struggle’ (1980: 82). Indeed, ‘local, discontinuous, disqualified, illegitimate knowledges’ (1980: 82) are a core aspect of Foucault’s genealogical method. As such, they reveal an underlying ‘truth’ of power, and so have been included as an aspect of analysis. For the sake of form, however, they are demarcated as the form in which they are identified (rumour and hearsay).

### Ethnography

The ethnographic data were analysed in two ways. First, through the manifestation of spatial issues (design, the way in which space was used, who used those spaces and how, the distribution of people, the interaction between people). Second, in terms of local discussions (explanations of events, perceptions of the locality, who was saying what). As with the interview data, these were then analysed in terms of patterns of behaviour and discourse. The ethnographic data were largely used to explain patterns of cultural and social differentiation as expressed through design, space and interrelationships; although, as illustrated previously, the data played a role in clarifying and reinforcing interview and documentary data (triangulation). A key form of validity in the use of the data was also respondent validation (Walsh 1998), in other words, data findings were consistently discussed with others in the locality to establish verification and in which further research findings could be generated.

### Documents

As seen already, this research used a variety of documentary sources and they were analysed or utilised in different ways depending on their origin. Moreover, this research employed interviews as documents in specific contexts, for example, when documentary data were not available. The first way in which documents were analysed was as historical explanation, to explain 'the origins and development of specific social phenomena' (Llobera 1998:73). Documents were used to both discuss the construction of the

environment of the locale as it developed historically as well as the way in which nightlife was discussed locally and officially. This leads to the manner of analysis. Both Atkinson and Coffey (1998) and Prior (1998) point to the form of documentary presentation as key in the analysis of documentary data. Prior, for example, points to the importance of the Foucauldian idea of ‘discursive practices’ that oppose the idea central to most social research, that of the ‘knowing subject’ (1998:65). As such, documents reveal the rules or practices whereby knowledge is ‘produced, encoded and displayed’ (1998:65). Certain types of documentary data that were available (for example, licensing minutes, policy documents and legal development), allowed the research to trace the ‘sequence of decisions’ (Atkinson and Coffey 1998:57). It was noted on what basis applications were passed and in relation to what venue, and the legal and policy precedent on which those decisions were made. The analysis also noted who made the key decisions, and who was active in the process of argumentation. It also took account of the role of different bodies (for example, the police, council and residents) in the decision making process.

However, documentary data were also analysed as discourse. The terminology that was being used and the way in which that terminology was applied (for example, the meaning of ‘nuisances’, ‘fit and proper person’, or, in relation to regeneration, the frequency and use of terminology such as ‘multicultural’ and ‘vibrant’ by examining the contexts in which they were used). Documents were also used as a source of ‘fact’ – for example, in funding and type of projects funded – whilst bearing in mind the limits of such data, for example the tendency to sanitise official forms of data (Atkinson and Coffey 1998).

## CONCLUSION

In summary, therefore, this thesis is orientated towards a key question of how the transformation of the night-time economy took place and how new forms of social differentiation are reproduced in this context. The following chapters aim to follow through the interface between the different disciplinary concerns of space and regeneration, law and regulation and culture by considering the way in which social change was enacted in the locality of Southview. This involved considering the interrelationship of three key factors in the specific case of the development of the night-time economy: cultural and population changes; the perception, use and development of space and the way in which regeneration strategies interacted with such usage; and finally, the changing and evolving nature of licensing law and licensing policy/practice.

The research was concerned with plotting the way in which ‘practices’ altered over time in relation to subjectivity or the perception of institutional practice and social problems. This was operationalised through the use of semi-structured, in-depth interviews; ethnographic techniques; and documents. Three key areas of social life or institutional development were examined: uses and perceptions of nightlife in the centre (and to some extent the periphery) of Southview, the regulators, and the regenerators.

The research findings that follow attempt to place description and analysis in the context of research methods as far as possible (Brewer 2000). Chapter Three explores the way in which history impacted upon the establishment of key practices and discourses, and

moreover, established the way in which social problems were perceived and acted upon in the locality in relation to nightlife. Chapter Four examines the form and content of conflict on the SCCL board. Chapter Five explores the development of the night-time economy and the mechanics of socio-cultural differentiation. Chapters Six and Seven analyse formal and informal practices of regulation. Throughout each of these chapters, key issues of research will be examined in the way that they impact upon findings, whilst attempting to preserve a narrative form (Becker 2000).



## **CHAPTER THREE**

### **SOCIAL CONFLICT AND THE CRIMINALISATION OF BLACK NIGHTLIFE**

The way in which the night-time economy was evolved and ‘strategised’ in Southview in the 1990s did not take place in a vacuum of time and space, but, it will be argued, was the product of the distinct historical context of the locality. Specifically, how a post-war incoming West Indian population experienced economic, social and legal discrimination and exclusion, and the way various local (as well as national) agencies, including the local council, the police and the courts, both responded to and concretised that discrimination will be examined. Most importantly, however, it was the manner in which the local black population (and elements of the white population) responded to their exclusion, through conflict with the police and other agencies in the 1980s, that shaped a national governmental and media response that effectively criminalised the black population in Southview. It will be seen that these conflicts had a particular effect on the nature of nightlife in the area, and situated the idea of controlling space as central to local government and policing practice.

Although it would seem logical to present events in historical order, as seen in the previous chapter, the nature of the material does not permit such a linear form, and in this paragraph a reminder of such difficulties is illustrated. The problem of accessing primary data was a product both of lack of helpfulness on the part of, for example, the council (making records unavailable), but was mostly a product of disorganisation or procedures governing the disposal of records. As has been examined in Chapter Two, material had either been lost or destroyed, and only glimpses of a reconstructed history

were accessed, aided by some important secondary sources and some interview data.

What this chapter attempts to do, therefore, is to bring together in thematic form a picture of the key events and institutional reactions that took place. These may serve to illuminate how the preoccupations of regeneration agencies and licensing bodies developed and were operationalised in the late 1980s and 1990s.

The chapter will begin by looking at the population changes that took place in the post-war period, the conflicts that were seen to emerge from these changes, and how planning and regeneration strategy responded. It will then go on to explore how policing strategy was seen to have provoked conflict with the black population, particularly in a locale known as the ‘front line’. The chapter will then focus on the way in which specific forms of black entertainment were seen to emerge, why they emerged, and the manner in which licensing agencies responded to those forms of entertainment.

## POPULATION, CONFLICT AND COUNCIL STRATEGIES EXPLORED

‘The concern to improve the Inner City comes not simply from those who want to improve the condition of minorities, nor from those who want to improve the environment. It rests also on widely diffused racial fears amongst those who believe that whatever the degree of environmental improvement, the Inner City problem will not be solved until the alien black faces presently there are removed from the scene’  
Rex (1981, cited in the Southview Report Transcript HO266/35: 13).

This statement came from an article presented as evidence to the post-riot inquiry in Southview, and referred to the Department of Environment’s ‘Policy for the Inner Cities’ (1977) regeneration initiatives. It is used here because it is illustrative of the contradictory effects of council-led strategies aimed at social and economic

‘improvement’. It expresses the dualism of a general desire to alter problematic conditions, and also the way those problematic conditions are also seen as a product of certain populations. In the case outlined above, inner city regeneration was seen to have had the impact of displacing populations that have settled in those spaces afforded by urban decay. Although never expressly articulated by planners, regulators and the police (for differing reasons) race, in areas where ethnic minorities have settled and form a substantial part of the population, becomes a key issue around which planners create strategy. This is expressed both in terms of economic viability (or the lack of, in populations where there is a high proportion of ethnic minority groups) and potential criminality, particularly in relation to young black populations. This latter perception was, and continues to be, expressed by the police and has been partially explored in the concept of ‘institutional racism’ (Macpherson 1999, Bowling and Phillips 2002).

The influx of particularly Caribbean immigration into Southview it is argued became ‘noticeable’ in 1952 to 1953, the point at which Oswald Mosley’s Union Movement stood on a London County Council election on a platform of ‘Keep Britain White’ (Patterson, 1963:53). In the 1991 census, the proportion of ethnic minorities to white non-Irish in Southview was 43% to 57%, compared to 24% and 76% for Greater London, and 7% and 93% for Great Britain as a whole. Of that 43%, 19% were classified as black Caribbean, 8% black African, 4% black ‘Other’, 2% Indian sub-continent, 3% Chinese/Asian and 4% Irish (Southview Challenge Impact Project 1994:2.6). The discrimination met by these people expressed itself both in local attitudes and in education, employment and housing. This population was concentrated in unskilled and semi-skilled employment and was located in the worst slum housing,

due to a lack of local assistance (Patterson 1963). If wanting to be self-employed as a means of social mobility, ethnic minorities were subject to the substantial difficulties of finding premises, bank loans and agency support (Leo 1985). In terms of leisure, denied access into mainstream night entertainment venues, the local West Indian population in particular began to create their own forms from around 1958 onwards according to written accounts (Patterson 1963, Kettle and Hodges 1982, Gilroy 1987, Keith 1993). These will be explored in the latter half of this chapter.

Southview became a key centre for migrants to Britain in the 1950s and 1960s because of the availability of unskilled and semi-skilled jobs in these urban areas and also the availability of rented accommodation (Patterson 1963). Southview itself was also undergoing a transition, as former residents were moving out of the area as part of the suburbanisation process, referred to by one long-term resident as a “mass exodus” (Doug Parsons, Southview Society and board member of the Southview Challenge Company Ltd, 22/2/99). As a consequence, Southview itself was a mixture of an incoming West Indian population, concentrated in the rental sectors in the terraced streets surrounding the town centre, and a large section of white, white collar and artisan industry-based residents, council tenants and ‘ratepayers’. It is this latter group which it was argued formed the bedrock of opinion with regard to the incomers (Patterson 1963:52).

Part of the emerging conflict between the existing population and the incoming population appeared to be located in an acute housing shortage. In 1957, 10,000 families were on the council housing waiting list (Patterson 1963:173). The housing segregation

was exacerbated by the local council's tendency to discriminate against West Indian families for fear of angering the existing population (Patterson 1963:175). As such, West Indian families were forced to live in slum-style, privately rented accommodation. Speculations abounded as to the extent to which the council ignored the Public Health Act, because they would then have been forced to re-house those families, a point which was confirmed by the local MP (Patterson 1963:176). West Indian people also attempted to buy properties and then house several families, but the leasehold system was not really explained to them and also there was a suggestion of a 'colour premium' on house prices (Patterson 1963:193).

The West Indian population in the 1950s and early 1960s tended to be concentrated in a small number of streets around the town centre, an area that was reputed to have been called 'little Harlem' by locals. However, it was the main reception area and had the highest proportion of black leaseholders. The population was certainly subject to local hostility. The local white, respectable working class or lower middle-class espoused ideas of 'order, cleanliness, quietness, privacy and propriety' to which the local West Indian population were not seen to conform, particularly with the perceived tendency of this population to party all night (Patterson 1963:198). According to this researcher also, local white women were expressing fear about walking at night or in certain areas, and stories abounded of young white women being found in intimate situations with West Indian men in local newspapers (Patterson 1963 and also fictionalised in MacInnes 1957). Hence, an atmosphere of racial tension existed at this time amongst some sections of the population.

It appears from accounts that the council adapted to local white fears. Patterson wrote cynically that the 'West Indian concentrations in Southview will almost certainly remain as they are until some official housing programme disposes of them' (1963:215). She also pointed out that in 1957 the council purchased the freeholds of 'little Harlem' from the Ecclesiastical Commission, for which the leases were due for fall in the early 1960s (1963:215). When it was constituted as a London Borough in 1965, the borough council began a building programme of council estates, concentrating on 'medium rise' architecture, which resulted in two estates being built to the North and the South of Southview's central area. A third housing estate was built which was designed to keep out the noise from a planned elevated motorway. The motorway was never built but the housing block, a fortress like facade in dark brown brick, went ahead as planned. The strategy, as originally constituted, was to knock down the central area and surrounding streets and rebuild. As Parsons speculated:

*I think that some elements within the council.. um.. the implicit understanding and I'm talking about 25 or more years ago, that if they demolished all the streets like this, they would cut down on the coloured population as it were by dispersing them or frightening them away or whatever, um, so I think that was the understanding then, although we're talking about a generation ago (Doug Parsons, Southview Society and board member of the Southview Challenge Company Ltd, 22/2/99).*

However, in the 1970s, according to Parsons, this perspective changed, as local people began to oppose the razing of housing stock in favour of conservation, and also because of the cost of such large-scale redevelopment in a period of the beginnings of economic decline. The Southview Society was formed to organise resistance to such measures in 1975, and to examine alternative ways in which the locality could be organised:

*It started in 1975, at which time the council was still busily engaged in knocking down quite a lot of Southview or trying to. It was at the stage a number of their proposed development schemes ran into trouble, because of local objections and rising costs and things like that. Um, it was just a time when involvement in some of those local schemes and trying to preserve particular areas were coming together and trying to look at what the future should be for Southview as a whole, particularly the town centre area.. but then the Southview Society has always tried to cover as a wider area too. Its just that more of the problems were concentrated in the centre. (Doug Parsons, Southview Society and board member of the Southview Challenge Company Ltd, 22/2/99).*

In the 1970s then, the council began to engage in a refurbishment of the terraced housing surrounding the town centre. Much of the housing stock was renovated, notably in a series of streets to the south of the centre where many of the illegal parties had been held (Southview Report 1981). The ethnic mix was to some extent seen to be reversed, with many West Indians and other newly arriving groups being moved to the new council estates with much of the terraced housing being converted to flats with a “different mix of households” (Doug Parsons, Southview Society and board member of the Southview Challenge Company Ltd, 22/2/99). However, funding problems resulted in the deceleration of these plans.

Another impact of the population change was the decline of retail on the central area. The borough council had formulated several ambitious plans to totally rebuild the central area in 1963, 1967, 1969, 1975 and 1980, but all had failed due to the inability to attract large-scale investment. At the time, the idea of focusing on small business and small scale investment strategies was rejected, and despite the stalling of the rebuilding plans, expectations were always high that such a change would take place, despite the onset of recession in the mid 1970s. As such, according to commentators, the maintenance of the town centre was abandoned as planners waited for demolition. As a result:

The effect was to aggravate the decline through “Planning Blight”, depriving the area of commercial investment for some 20 years (Piper: 1996: Sec 6.3).

Small business and retail, particularly that owned by ethnic minorities, faced significant problems. It was noted in 1982 that black people set up business to escape racial prejudice and because there was no alternative employment (Directorate of Town Planning Report 1982). Research conducted in the area in 1985 found that the majority of black businesses were concentrated in retail (food and drink), wholesale, construction, vehicle repair and sales, mini-cab services, travel agencies and record shops. The survey of thirty firms found that their problems consisted of not being eligible for funding programmes under the Inner Urban Areas Act 1978 (as they were located in retail and services) (Leo, 1985: 21), lack of good premises, unavailability of bank loans, poor management skills and racial prejudice. The research suggested, for example, that banks tended to refuse loans to West Indian business unless they had a successful track record and with conditions attached that were very difficult to meet, for example demands of high collateral (Leo, 1985: 78). Ethnic minority businesses tended to face more prejudice when attempting to rent premises in good shopping locations. High rents for these premises also excluded them, and the research found that most black firms were located in secondary shopping areas, in particular in old buildings (Leo, 1985: 87). Less specifically, the businesses felt that they encountered racial prejudice from customers, manufacturers, wholesalers and the council. In particular, the two reports noted that the borough council’s Department of Environmental Health was identified as being particularly problematic (Directorate of Town Planning Report 1982, Leo 1985):



Many felt they were being picked on and respondents identified one particular officer whom they thought to be the worst (Leo, 1985: 96-7).

However, the 1982 report located the problems specifically in the Afro-Caribbean population. It was found, for example, that 74% of Afro-Caribbean businesses failed to access start up loans, compared to 13% Asians and 5% whites. The reason cited was lack of experience or lack of collateral as premises were often rented (Directorate of Town Planning Report 1982:18). However, for existing businesses, only 36% Afro-Caribbean businesses managed to access a loan, with 17% accessing a reduced loan, compared to 86% Asian and 92% whites (Directorate of Town Planning Report 1982:18).

The decline of retail was also exacerbated by the fact that transport links simultaneously facilitated links between Central London though the opening of the tube in 1971, whilst closing links through from East and West London via rail (Piper 1996).

The borough council was seen as particularly slow to realise what the existing potential of Southview as a night entertainment area was. It was argued that this was because it failed to notice or take account of the fact that there was a large black population in Southview with its own cultural forms:

The borough council planners were slow to recognise the demand for a wider range of entertainment and leisure facilities, or even to acknowledge that Southview had acquired a substantial black population (Piper, 1996: Sec 6.5).

One document claimed that in the 1970s to the early 1980s, the borough council 'readily granted planning permissions' for sites to be converted from entertainment to other uses (Southview Society in the Southview Report Transcript 1981, HO266/29/OS141: 2).

Although the council began to review the need for entertainment and leisure facilities in the area, particularly in the 1980s, this was still largely focused around the 'special needs groups' - women, young black males and the need for the black community for premises and so on. Moreover, it was only viewed as being for 'cultural, racial and religious needs' (Southview Borough Council Report 18/2/81: 301) and so more cinemas, community centres and community arts or theatre activities were sought (Southview Borough Council Report 1984). This reflected the way in which Southview was part of a broader shift towards 'municipal anti-racism' (Gordon 1990: 176). In 1986, there was a slight change of emphasis given to the Local Plan, which began to emphasise the importance of entertainment and the arts for tourism:

The council is primarily concerned to provide for the entertainment needs of local residents. However, the council also recognises the potential benefits to the local economy through gearing certain entertainments to the needs of both local residents and visitors, including tourists, e.g., through wider promotion of local cultural events and shows (Borough Council Report 1986: 58).

In 1987, the importance of cafes, wine bars and restaurants in planning considerations receive their first mention locally, although as an aspect of considering problematic environmental pollution (noise, traffic and so on) and its potential effect on other businesses (Southview Borough Council Report 1987). It was not really until 1992 that night entertainment appears to receive its first positive mention in council records (Southview Borough Council Department of Environmental Services 1992). In

retrospect, the ‘blind spot’ with regard to entertainment was not really surprising. In 1971, the borough voted in a Labour council that decisively moved borough politics away from the ‘respectable businessman’ representation to more radical, left politics. Moreover, after the 1976 Race Relations Act (which, in Section 71 emphasised the need for local authorities to consider its relationship to ethnic minorities) a few boroughs, particularly in London, took this seriously enough to begin implementing changes at the level of the local bureaucracy. In the borough of which Southview is a part, the inclusion of race equality programmes into strategy and policy implementation was matched by a generous approach to grant applications from voluntary groups (Ousley 1990), which locals claim accelerated after the uprisings in 1981. Clashes around race equality programmes in the 1980s between central and local government, in which such programmes were identified by the right as being correlated with inefficiency and high spending (Ousley 1990, Gordon 1990), meant that both the issues of business and race were politicised in the borough from the late 1970s until the late ‘80s. In a way, the council was attempting to implement equal opportunities programmes and positive discrimination (Gordon 1990). As such, it tended to be hostile in the 1980s to entrepreneurial activity. Sarah Waites and John Peterson (Co-owners of the Dome, 11/5/00) explained in an interview how they had opened Southview’s first ‘designer’ nightclub in 1981 in a venue formerly closed by the police. After running this venue for three years the council bought the premises and evicted them (as they were only renting). They explained this action as a particular product of the leader of the borough council’s hostility at that time both to nightlife and to their ‘entrepreneurialism’:

*... he thought we were some kind of Fulhamites or something, gentrif.. it was all that Red Ken Livingstone, all that kind of down with businesses, down*

*with anyone that wants to make money, down with anyone having a good time, and he was really quite a beastly man, and so, we had to leave, we had to move in 1984” (Sarah Waites, Co-owner of the Dome, 11/5/00).*

One product of the lack of entertainment facilities, the general lack of development in the area and the inability to achieve a basic living or other opportunities, therefore, was that a large number of properties were left unused and decaying, particularly around Southview’s central area. The evacuation of the centre meant that a new form of activity took place there. A large numbers of premises were squatted. The largely segregated, underground and financially tenuous nature of the night entertainment sector did not feature greatly in any local planning strategies. Hence, in the gap left by the formal economy, the informal economy developed with a growing number of illegal parties and clubs based particularly around an area known as the ‘front line’.

#### THE PROBLEM OF POLICING AND THE ‘FRONT LINE’

In 1981 people in Southview, black and white (Benyon 1985), fought the police in a battle that lasted two days, and attracted media and government attention, enough for the government to set up an investigation to examine the causes of the riots. The uprising had started in response to a particular perceived example of police harassment, although during the investigation and in the testimonies it became clear that accusations of harassment had been fermenting for some time. In the final report, the particular problems relating to policing had been put down to variously mistaken strategies of the police prior to and during the riot itself. For example, not withdrawing the Special Patrol Group despite warnings of tension and the attitude of mainly younger officers who were inexperienced in dealing with a diverse community with a multitude of social

problems. In particular, the report specified that the police had failed on a number of counts, including racial prejudice amongst younger officers, lack of 'courteous' behaviour which had led to a perception of harassment, 'unimaginative and inflexible policing' in relation to the community context, a failure to consult, inflexible hard policing which needed review if resented, and delay and lack of vigour in dealing with a large scale disorder (Southview Report 1981:66). However, the idea of 'institutional racism' was rejected as a form of explanation. Consequently, the activities of the police were seen to be localised, the problems rooted in social deprivation, and the issue remained as to how the problem of crime (the increase in street crime and muggings) was to be dealt with (Southview Report 1981, Solomos 1986, Gilroy 1987). Hence, despite criticisms of the police, their perspective and agenda largely dominated in the atmosphere of national crisis that pervaded discussion of all the riots in that year.

However, relations between the black community and the police had been tense to hostile since the early 1960s, and was rooted in the broader racism existing from that time onwards in society that had resulted in a number of minor skirmishes (Solomos 1986, Gilroy 1987, Keith 1993). It was common, for example, for the police to shout racist abuse from patrol cars, according to one magistrate, and reports circulated about police brutality, false confessions and the harassment of black youth in particular (Working Party Report 1981). It was also normal for the police to launch counterattacks against the black community when a policeman had been hurt, a phenomenon known as 'front line deviancy' (Keith 1993). The presence of the police on the street, creating a difficulty of movement particularly for black youth, meant that the atmosphere was

particularly 'claustrophobic' (Keith 1993:30) and created a situation in which parents kept their children indoors for fear of police harassment (Working Party Report 1981).

Policing in general escalated in the late 1970s, with the use of the Special Patrol Group, frequent raids on properties and two large scale exercises using the 'sus' laws. The official explanation of this was that levels of street crime had been rising, which justified stronger police action. This point was questioned throughout the meeting because it was related only to a percentage not necessarily such an acute actual rise, which in the latter case was less dramatic (Southview Report Transcripts 1981, HO266/5,8,9,10).

Moreover, this dispute was not included in the final report (Behrens 1982: 126). Other explanations, however, focused on the growing politicisation of the police in the late 1970s and early '80s which were seen to reflect Conservative 'law and order' positions at that time (Dean 1982), and suggestions circulated during the Inquiry of dubious associations between the police and the National Front (Southview Report Transcript 1981). Certainly locals referred to the feeling that, in the context of the political climate in the late 1970s, the government, through the police, were trying to make a point in Southview as to who was in control. The police, for example, consistently focussed on the idea that Southview was becoming a 'no-go' area (Southview Report Transcript 1981, HO266/6, Solomos 1986).

One area of Southview in particular focused the thoughts of the police and the policing function during this period, and this was the area known as the 'front line'. This has a symbolisation that differs depending on which perspective is being taken. During the meeting, a community leader stated that the front line merely meant an area of

socialisation for the West Indian community (Southview Report Transcript 1981 HO266/3). The police, however, represented the concept as ‘criminal’ or ‘deviant’, categorically claiming on the one hand that it was a centre for fencing stolen goods and drug dealing and on the other, a centre of radical or revolutionary politics (Southview Report Transcript 1981, HO266/7,10). As Keith points out, however, people have imparted many different meanings to the concept of the front line; ‘a social centre, the epicentre of Black resistance, a location for trading stolen goods, a home, a drugs market’, but the theme that tends to unite all explanations was that it was a centre for ‘conflict between Black people and the police’ (Keith 1993:27/8).

The front line was located in a street, or several streets depending on the perspective involved, that had been earmarked for demolition and redevelopment. In 1975, however, after local protest, an inquiry, and ‘ministerial prevarication’, the site was reprieved, but not refurbished and generally left to decay. In 1977, only 22 out of 400 properties were considered in a good state of repair, and, as Keith argues:

Nowhere else was the living history of the Black community so clearly embodied in bricks and mortar (1993:25).

The area seemed to symbolise resistance because nowhere else was police action so concentrated and also nowhere else was the police so unable to engage local cooperation. For example, during the evidence of the Chief Superintendent it emerged that the police had conducted several large raids against the area prior to the conflict, and that “no information comes from the black community to the police” (Southview Report Transcript 1981, HO266/6: 17). As stated previously, various discussions emerged with

reference to the fear that Southview would become a no-go area, and much of this was concentrated on perceptions of the front line. As the Chief Superintendent argued:

I feel that if nothing at all is done we are going to end up like Harlem - although I have never been there - where it is reputed that you cannot walk through the streets at all. You cannot drive through the area without fear of being stopped and robbed (Southview Report Transcript 1981, HO266/6:32).

Hence the police were preoccupied with the way in which they did not have any control at all in this area, and for them the main priority was to assert control. This preoccupation established the way in which space was seen as representing a conflict of authority and perhaps serves to explain the later need, explored in the following chapter, to find ways of 'normalising' relations in the area in the 1980s.

The problem of policing and social order in general in the front line was exacerbated by local rumours of corruption in the local police force. During the investigation, reference was made by residents and local church leaders to rumours that had been circling. The idea was that the drug trade in the front line owed its survival to police who were thought to be either recycling drugs or demanding protection money from dealers. These relationships had been disturbed by the presence of the outside police force, the Special Patrol Group (Southview Report Transcripts 1981 HO266/18:13). This relationship was denied outright by the police and serves only as a local rumour. However, in 1986, the local police station was raided by the Scotland Yard Drugs Squad because of mounting evidence of police involvement in the recycling of drugs (Keith 1993).



Hence, it was clear from the transcripts of the meeting that there was considerable hostility between the police and the local black population. In particular, what is interesting is the way in which the police both viewed relations in Southview as a war (Benyon 1985: 409); and, moreover, a war that was being fought over territory. Indeed, the Working Party report in 1981 referred to the police as an ‘army of occupation’ (1981: 6). This conflict centred on the front line, which was viewed by the police as potentially becoming a ‘no go’ area for them.

Although only marginal in the Southview Report, an important aspect of this conflict over territory took place in the ‘blues’ clubs or shebeens. The creation of these venues, and their subsequent closure by police and council activity, is important to trace because as a cultural form they were unable to make a transition to being part of the ‘night-time economy’, which subsequently emerged in Southview. The last part of this chapter will first explore the nature of these venues, and then examine why, and through what means, did the police and latterly the council, attempt to close them down.

## UNREGULATED NIGHT SPACES IN SOUTHVIEW

The Southview Report had the following to say about the ‘blues clubs’ or shebeens:

It is clear that the exuberance of youth requires in Southview (and other similar inner city areas) imaginative and socially acceptable opportunities for release if it is not to become frustrated or be diverted to criminal ends...The amusement arcades, the unlawful drinking clubs, and, I believe, the criminal classes, gain as a result. The street corners become the social centres of people, young and old, good and bad, with time on their hands and a continuing opportunity, which, doubtless, they use, to engage in endless discussion of their grievances (Southview Report 1981: 7).

Without close parental support, with no job to go to, and with few recreational facilities available, the young black person makes his life on the streets and in the seedy commercially run clubs of Southview. There he meets criminals, who appear to have no difficulty in obtaining the benefits of a materialist society (Southview Report, 1981: 11).

Both statements seem to express the idea that the illegal night venues in Southview were the cause of criminal association. Although the need for ‘socially acceptable’ forms of entertainment are highlighted, nevertheless the overall picture is of deviant spaces where young people associate with unfavourable characters. It is interesting to note that even at this time, prior to nightclubs becoming ‘socially acceptable’, a local MP during the investigation noted that the only legal nightclub in the area was closed down by the police. If there were “no legal facilities for clubs which permit drinking, dancing and games like dominoes or pool, then the need will be met by illegal facilities” (Southview Report Transcripts 1981, HO 266/32: 21). Moreover, the Report claimed that the people who ran these premises were only interested in material gain. This affluence would then propel the young to seek similar affluence through criminal activity. Such fears were also expressed by older members of the black population during the investigation, in which respondents argued such spaces were corrupting youth, which more broadly was a parental fear extending to all sections of British society at that time (Keith 1993). As such, these sections, along with the Southview Society and the meeting in general, suggested that more outlets for youth needed to be found if they were to be steered away from such venues.

However, a different account emerged from one shebeen attender:

*Being a Jamaican resident myself, I know that if you approach a lawful premises, or a community event, anywhere where there might be using or selling of alcohol, the consumption of alcohol, there is scepticism or outright denial of the opportunity to use those premises. It's a natural development, really, to set up by ourselves. In terms of music and recreation, it is an important part of our history and our culture, and I think we've taken it across the ocean with us, and it brought us in direct conflict, in particular, with the police. They were the ones.. it was a conflict with the police to stop us enjoying ourselves. It was the first area of conflict between Jamaican youth and the police, for me anyway. That's where I came across the police first, and in force, were at pay party events when the police would come and break it up, kick the door down, y'know, "who's selling, who's running this place" and so on and so forth....*  
(Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).

Here the reading is entirely different. In this account, West Indian people in Southview (as was the experience of other ethnic minorities elsewhere) were excluded from mainstream venues, hence had to create their own entertainment (Keith 1993, Phillips and Phillips 1998). Moreover, that entertainment was a point of conflict with the police, in fact, where young people *first* encountered the law, which they otherwise would not necessarily have done.

Were the people organising the parties 'criminals'? Here again the view from this participant was different from the Southview Report. He argued that they were "entrepreneurial", "not necessarily serious criminals, but people on the edge, or ex-criminals, or people who had attitude". In fact, Ellison claimed that many different kinds of people were involved with unregulated entertainment (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).

The importance of the shebeens as a local cultural form was confirmed during the 1981 conflicts, when participants demanded that the police stop harassing these venues

(alongside other problems) in return for ending the conflict (Southview Report Transcripts 1981, HO266/4, 6). Other accounts also refer to the importance of these venues elsewhere. Interviews with early settlers in Britain confirmed that they emerged from a local need. Clifford Fullerton, owner of first 'The Blues Club' in the basement of a house in North Kensington and then the 'Mangrove' in All Saints Road, said he had set up the club in the 1950s because his contemporaries needed somewhere to go out as a colour bar excluded them from clubs in the West End. Although he had a license to sell liquor until 11pm, in practice this was difficult to manage internally and liquor was sold and dancing continued beyond those allocated hours (undated interview, Black Cultural Archives). Records show that there were about 16 black clubs operating in Southview in 1959, and this includes only those known about by the local MP, who in fact complained loudly about their existence (Letter 17/1/59, GLC/DG/EL/3/C70). It was also the case, however, that a few clubs around this time, owned and run by local West Indians, did have a legal status and were regarded as 'properly run', and their number was seen to have increased from 1958. They similarly, however, attracted hostility from residents (Patterson 1963).

As spaces, therefore, as Keith suggested, they seemed to 'symbolise neither simple cultural expression nor manifest criminal behaviour' (1993:28). They were necessary from the point of view that entertainment spaces were denied to black communities. However, they were not frequented by all and produced some rather mixed feelings amongst different sections of the 'community'. Some were money making ventures - in the 1960s shebeen owners made, according to one report, the large sum of £30 per event, whereas by the 1980s the amount could run into thousands. In the early days, police

reports showed (through payment by an undercover officer) the entry fee to be about 50p (GLC Records 1976-80), whereas by the 1980s it was reputed to be about £5 (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99). The spaces were certainly more crowded as the demand for entertainment venues increased (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99). The organisational activity was pursued by more entrepreneurial people, who, because of the tenuous relationship with the law with respect to these venues, also occupied a legally marginal place in society.

Despite rumours to the effect that these places existed as part of the drugs trade, police during raids generally found little remaining evidence of such activities. Even edited and repetitive police reports suggested that the activity within and without consisted of little more than groups of 'coloured men' hanging around outside the premises, while in the basements 'a large number of coloured people and a few white women' were seen to be dancing to 'loud beat music' (GLC Records 1976-80). Participants were seen to be 'drinking from cans of Carlsberg Special Brew, bottles of Lucozade and white plastic cups' (Statements by PCs recorded between 1/10/76 and 29/9/76 in GLC/DG/EL/3/R1). At that time, therefore, as with other clubs, the activities did not extend beyond dancing, drinking and hanging about (and, of course, gambling). It was also the case, however, that private parties, where people shared the cost by charging for drinks (a common practice amongst people with little money) were subject to the same kind of police treatment. At one party, organised by a 60 year old woman and a man for his ten-year-old daughter, a PC's statement claimed that when the party was raided and the organisers questioned, the conversation ran as follows. The PC said, "It appears that this party is open to anyone who wishes to come along", to which the man replied "That's right, it's a

birthday party”. This was taken as an obvious statement of guilt and the man was found guilty, and fined £50 plus £50 costs (GLC 10/7/1979).

From the one direct account given of the nature of the shebeens, it was argued that “violence was often a part of them”, although the degree in which this differed from club life in general is difficult to ascertain. It was also argued that, although drugs were a feature of these venues, it was mainly involved with “weed” and indeed it was argued that the culture mitigated against Class A drugs because of the dominance of Rastafarian culture (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).

In general, there seem to be mixed feelings as to their social composition, in terms of the degree to which they were exclusive to the West Indian, particularly Jamaican community. One white man, newly arriving in Southview in 1976, explained how he had been told about a party by a neighbour, thought he had been invited, and arrived clutching a bottle of wine. On arrival no-one spoke to him until a Rastafarian ambled up to him and said, “go home”. It became clear that he had been told about the event as a politeness, to warn him of the impending noise (Field research 1998-00). Such exclusivity was also confirmed by Ellison, and was reinforced by the fact that the events were advertised by word of mouth or on the emerging pirate radio stations (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99). On the other hand, photographs taken of a more established club in the central area by the police during a raid, show a slightly more mixed crowd, in terms of race, age and gender (see Appendix B<sup>1</sup>). From accounts given, attempts to mingle with the black population were, from the

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<sup>1</sup> Reproduced with permission from the London Metropolitan Archives (GLC/DG/EL/3/R1).

late 1970s, an important element of ‘bohemianism’ or youth culture (Hebdige 1979, Gilroy 1987, Back 1996), and politics. From one account given by one white venue owner, this trend had accelerated from 1981 onwards, and the incomers had a different attitude towards the social texture of Southview. Noticeably, however, a certain reticence is displayed in referring to this frankly:

*... a lot of new people moved in, and obviously the ones that moved in had an awareness of the perceived problems of Southview and felt that they were um.. um.. y’know.. sufficiently.. um... ..careful, careful (laughs) well, they didn’t feel they had a problem with it (laughs).. (Peter O’Brien, co-owner Thai Heaven and the Zebra 1/2/00).*

Initially, many of these young white people were involved in the squatter scene from 1977-1981, and were said to have clashed with residents over entertainment uses (Southview Society in the Southview Report 1981, HO266/29/OS141). Southview also became a centre for largely white radical/left-wing groups (Southview Report 1981), and one of London’s few radical bookshops was situated there. The early influx of these young people looking for a more bohemian lifestyle is said to have formed the basis for the image of Southview as a centre for the arts and night entertainment (Piper 1996: Section 7.4). From the above perspective illustrated by O’Brien, other long standing residents encountered in the field research (see Chapter Two), and referred to by Butler (2001), there was certainly an openness towards the black community, and many left-wing groups clearly felt, in the light of the 1981 conflict, that the black ‘community’ were an emerging vanguard.

Hence, the shebeens were perceived to be an important cultural space by local people (even if this view was not shared by all), and one to which, given the nature of exclusion

at the time, there was perceived to be no alternative. They were largely attended by black people, but records also show a more mixed crowd. As a consequence of the 1981 conflict, many young white people seeking a more radical input had been attracted to the area, an issue which acquires more significance in the 1990s and will be explored further in Chapter Five. Indeed, it was the perceived cultural and political mix that was seen to be responsible for Southview's special or distinct character. Like many activities in Southview (like many parts of the UK), the shebeens sat on the borderline between lawful and unlawful. Unlawful because they were criminalised by licensing law. Lawful, in a normative sense, because there was sufficient support in the locality for their existence. What, however, accounted for the way in which they were targeted?

#### POLICING THE SHEBEENS

From existing records, it seems as if there was some ambiguity in the relationship that the police had with the shebeens. Writers suggest that for the most part they were largely tolerated (Patterson 1963, Southview Society 1981 in the Southview Report Transcripts, HO266/29/OS141, Keith 1993), with the occasional show of strength on the pretext of drugs, but often at the prompting of local residents. In this case, the police would raid premises on the basis of the illegal sale of alcohol (Keith 1993). Indeed, one MP claimed that "the police appear to have taken a benign attitude towards illegal clubs but they are deeply resented by residents and are bound to be a cause of friction" (Southview Report Transcript 1981, HO266/32:21). The points of conflict are not well documented, but Hinds (1980) suggests that the white reaction was mostly as a consequence of Puritanism and noise:



These parties were indeed noisy, robust with a tantalising touch of eroticism as bodies touched in a slow grinding motion (1980: 51).

Patterson also touched upon some of the reasons for local hostility, pointing to the existence of respectable 'rate-payer' attitudes towards noise and disturbances:

..most of them have, because of noise, late hours, and the congregation of undesirable elements, white as well as coloured, become a source of friction and potential conflict with local residents in the immediate neighbourhood (1963: 365).

From Patterson's research and other accounts, for example Gilroy (1987), it appears as if the motivation for such reactions was largely racial, presented, however, as 'cultural difference' which could not be tolerated, particularly where alcohol and inter-racial mixing was concerned:

It seemed that if you were enjoying yourself beyond midnight, you were beating your wife, up to no good, indulging in illicit pleasure and generally beyond the law (Hinds 1980: 51).

The way in which this discriminatory impulse was handled was suggested in a statement from a magistrate after a series of arrests at a house in Deptford, after neighbours complained of noise from a group of black men hanging around outside the house. It was not about being black or white, he said. Rather, 'it is about what people do, and not what their colour is, that matters' (The Kentish Mercury 22/4/49). Solomos (1986) and Gilroy (1987) also explored the connections made between black culture and disorder.

However, it was also the case that some residents, although desirous not to establish relationships with the police, themselves developed a form of direct action against shebeens in residential areas. I was given one account of a group of residents who broke into a neighbouring house in the 1980s where there were frequent parties and destroyed the electrics (Field Journal 1998-1999). It is unclear, therefore, whether the source of such conflicts was racial, based around noise conflicts, or both.

However, early accounts also suggest that even if a venue were run quietly, the owner, if black, would encounter difficulties with the authorities (Kettle and Hodges 1982). In 1958, the owner of a cafe on one of the central roads that runs through the town centre, was subject to a year of frustrating delay as the London County Council's (LCC) Public Control Committee and the local council discussed amongst themselves whether he would need a music license to play a jukebox in his café. The owner's problems initially started when it was noted after a police visit on the 15th April 1958 that the café was charging admission fees for young people to dance on a Saturday night to the juke box. In a memorandum by the LCC on the 5th May 1959, it was noted that the local council was not keen on granting planning permission to the premises, but that the owner was willing to take out a license. A license was refused on the basis of the unsuitability of the premises 'particularly the exit arrangements and inflammable wall linings' (Memo LCC 19/5/58). An exchange then ensued as to whether the owner should be invited to discuss the matter further. In a further memorandum, it was stated that council's architect had said that he did not want to leave the door open for a further application 'because he dislikes the place', but appreciated 'usual procedures' would be gone through. However, even the music would be problematic (the use of the jukebox)

because it had caused local complaints and may have promoted the police visit (LCC 19/5/58).

In the meantime, the owner had phoned the LCC complaining that he was being singled out for this treatment. Why was he being caused trouble when all other cafes in the area also had a jukebox? He was told, as quoted in the LCC note, that ‘the council could not investigate the arrangements at every cafe in London: it dealt with the cases that came to notice’ (30/5/58). A further note indicated that the architect had visited the premises and declared it unsuitable for licensing (22/8/58) as a club (this was still only for the purpose of dancing to a juke box on a Saturday night). A letter from the owner indicated that he had attempted to do something about the safety issues indicated, by fixing the walls (11/9/58). He was even willing to let the matter of dancing go but wanted to retain the use of the jukebox. However, there were still delays. On the 24th September 1958, a note regarding a telephone call from the architect stated that he was reluctant to encourage the owner from re-applying for a license because of possible allegations of noise nuisance. Cryptically, it also stated that a ‘special hearing might lead to allegations of racial discrimination etc’. A letter from the architect of the council to the Chief Officer of the Public Control Committee of the LCC said that in respect of granting a music license the premises could be made safe, even if it was below usual standards. This, along with the noise issue, could be taken into account. However, he stated that:

As regards noise, the position is complicated by the fact that the council, as Town Planning authority, has refused permission because its use was not in accordance with the Council’s Development Plan and that the proposals would affect adversely the amenities of the surrounding residential properties by reason of noise (Letter, 30/9/58).

He expected strong opposition from local residents and that 'the situation is made more difficult in view of the fact that the premises are frequented by coloured people' (30/9/58). Although finally the LCC sent an application form for a music license with a view to granting it (6/2/59), it was noted finally that on the 23rd March 1959 the cafe had closed (GLC/DG/EL/3/C69). It seems to be the case, therefore, in this account that the council, in attempting to mediate between the rights of the owner and the hostility of the local community, and with somewhat prejudicial reservations of its own, prevaricated long enough for the owner to move on. Although formally the local council and the LCC were within their rights as authorities, scant regard was paid to the needs and priorities both of the owner and his customers.

In a similar way, one famous local club in the same road managed to open after an appeal (the license had initially been refused on the grounds of potential noise to residents) (South London Advertiser 11/1/58). A following undated report in the South London Advertiser referred to the LCC's battle to close the club. A note from the LCC at County Hall on the 22nd January 1959 referred to the fact that it was the local council who were seeking to close it under Town Planning regulations, and that planning permission for the club had been refused. The decision was upheld on appeal and enforcement action to close the club was being taken (GLC/DG/EL/3/C70).

Such events suggest that even once through the hurdle of gaining a license to run a venue, planning permission for use as a club would not necessarily be given locally. Moreover, venue owners faced local opposition from residents and their representatives with regard to complaints of noise and nuisance, the impact of which made black clubs much more

visible to monitoring. For example, the letter referred to previously from the local MP to the LCC on the 17th June 1959, attached a list of sixteen clubs, listed 'coloured clubs', with a request that action be taken. As the letter stated:

I am reluctant to think that they have had planning approval and I shall therefore be obliged if your council will exercise whatever powers are legally available to ensure that residential accommodation is not diverted to these uses, or if it is so diverted, that minimum precautions as regards fire risk, sanitation, etc., are complied with. In my view, it would be in the public interest and certainly for the convenience of the neighbours if these clubs were closed (GLC/DG/EL/3/C70).

The problems faced by potential black ownership of entertainment venues, which was possibly both financial and a product of the way in which the authorities viewed attempts by the black community to form associations, meant that logically the only way in which such entertainment could be conducted was illegally. It was also the case that illegal, semi-legal or mistrusted activities conducted in these establishments heightened their potential to attract both police attention and consequently a more 'edgy' character. Keith, for example, looking at the establishment of the Mangrove in All Saints Road, Notting Hill, suggests that the fact that it was a centre for political activity and discussion made it a target for police paranoia, and, according to Darcus Howe, therefore established this venue as a centre for resistance against the police (1993:47). As such, it was not the venue per se that set out to be confrontational. Rather, it was the symbolic associations created by the police and other authorities in relation to these venues that cemented their 'deviant' status. Such a causal relationship was commented on by Chief Constable Weigh of Avon and Somerset (of which Bristol was a part), who suggested that the problems created by the shebeens were a result of:

The strict legal requirements applicable under the licensing laws frequently preclude the establishment of legal drinking clubs in black areas (Southview Report evidence HO266/29/PS56:3).

Such points of conflict included the use of high volume sound systems and late hours.

The local community in general, he suggested, tolerated the shebeens and they were often frequented by community leaders. The police had continuing problems of evidence and indeed could not infiltrate the parties with such ease as previously (before the Bristol disturbances) in plain clothes operations (Southview Report evidence HO266/29/PS56:4). In response to this, he argued that legislators should recognise the ‘special needs of the West Indian community in respect of their own drinking “clubs” and perhaps bring them within the ambit of the law, thus providing appropriate police powers of entry, safety regulations, and permitted hours’ (HO266/29/PS56:12).

Although such warnings were not heeded by the post-riot meeting, nor implemented in subsequent police and council activity in Southview (Letter from Sergeant Brian Walters, MET Licensing Officer, 23/8/00), the shebeens did, and in a different way still do, remain a feature of the local landscape (although not such a centrally located one). However, the way in which they developed required an attitude of keeping one step ahead of the law. Shebeens taking place in temporary squatted premises therefore fared better than those in permanent houses or squats (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99). It seems, from recorded accounts and from records, that the police relied on locals informing on premises for raids to be organised effectively (Letter from Sergeant Brian Walters, MET Licensing Officer, 23/8/00). Unlike other areas where some Commanders were attempting a more mediated approach to local culture and venues, it seems as if, in the context of the racial politicisation of the 1970s, and the

subsequent attempt to regenerate the locale in the 1980s, the police (along with the council) made a concerted effort to clear away the shebeens from the central area (Keith 1993).

The problem for the police was the need to gather evidence in relation to venues. For example, the first recorded file of concerted police efforts to close down the illegal club scene in Southview occurred from around 1969-1970 and concerned a club in the front line area. From the 30th October 1970 the police set up a seven-day watch over the premises (referred to by the police as a 'low class' premises MET 15/7/74) to detect signs of illegal music and dancing. However, recorded evidence and statements made by police officers at this time were not accepted by the GLC and the 'evidence' was returned (Memo GLC 18/1/71). Further activity by the police was recorded on an unmarked and undated (although sandwiched with material from around 1972) memo recording telephone conversations with the Chief Inspector of the Southview division. In this memo it was noted that 'the Chief Inspector said that he wished the GLC to take proceedings because the owner had been a "pain in the neck" to them for several years, but they have been unable to get evidence'. It was also noted that the police had been telling them that the place was used for drinking and cannabis smoking (although no evidence for the latter had been found). A further note dated 13/2 recorded that the Chief Superintendent had 'the matter in hand and has been editing the statements' of the police officers involved. 'The Times' noted in 1974 that action had been taken against the owner for unlicensed sale of liquor and that he had appealed. This appeal was dismissed as the judges had argued that the burden of proof should be on the defendant to prove that he has a license, suggesting some confusion as to whether this was so

(Times 22/5/74). On 16/12/74, a GLC memorandum noted that action was being taken against two further individuals with respect to the same premises (GLC/DG/EL/3/R15).

In all the raids on unlicensed premises, no witness statements were provided apart from those of the police, who operated in plain clothes (the plainclothes officer was a woman as very few white men attended and would therefore have been spotted) or in an observatory capacity. It appears that the police were alerted to parties by a combination of noise complaints and general police surveillance at night. Two statements by the police mention noise complaints (statements dated 11/3/75 and 30/8/77), whilst in others the police appeared to be observing activity and sound in well known streets. One PC, for example, in a statement dated 21/1/76, stated that 'I was on duty in plain clothes...I could hear the sound of loud music from within M- Road premises and saw a large group of people on the steps leading to the front door, which was open'.

Hence from the brief records that survive, it appears that even venues that attempted to set up legitimately had problems with the licensing and planning authorities, hence making illegal venues a logical necessity. However, both legal venues and the shebeens themselves provoked opposition from residents and from the police. For a sustained period of time, from the records available, it appears that the police devoted resources to the surveillance, raiding and prosecution of the clubs and parties.



## CONCLUSION

As Keith (1993) points out, the activities carried out in these spaces cannot simplistically be categorised as ‘criminal’ in the way that regulatory authorities have a tendency to do, justifying therefore concerted attempts to close down the venues. Such spaces transgress the boundaries between legitimate and illegitimate, because they on the one hand fill the gap left by continual discrimination, and create alternative cultural spaces. Their owners may be transgressors themselves, or made so by the reactions of the authorities, and might also be in the business for the profit. Nevertheless, such spaces challenged normative perspectives and provided a popular outlet for local people and a distinct cultural form that has continued to influence the imagination of popular culture, for example in the illegal raves of the late 1980s. A Southview squatting group, for example, set up an arts centre/entertainment in an old unemployment building, mimicking the local cultural forms (although itself was closed down due to the sale of the building). The shebeens, although not necessarily supported by all in the locality, nevertheless could be seen to be connected to what can be described as ‘survival strategies’ (Lea 1999: 307) in the black population in particular.

However, some residents and the police sought to close down these venues. From the sporadic accounts given, the motivation would seem to be racial but which took the form of ‘cultural hostility’, for example issues of street presence, night activities and noise. The reaction cannot simply be explained as a technical problem; that is, that such events were noisy, which, as Patterson (1963) illustrated, was subjective. The issue of police raids on the shebeens was one of a series of accusations that emerged during and after

the 'riot'. However, scant attention was taken of this issue, except to continue to dismiss the spaces as deviant. The way in which spaces were criminalised, therefore, becomes a key way of understanding what took place in relation to the later development of the 'night-time economy', in particular the failure of these alternative and black cultural spaces to survive in subsequent regeneration strategies. The following chapter, therefore, will attempt first to outline further how these spaces were dealt with, and second (and in subsequent chapters) how the innovation of the 'night-time economy' revolved around an ideological dislocation between legitimate and illegitimate business.

## CHAPTER FOUR

### REGENERATION AND SOCIAL CHANGE IN SOUTHVIEW

As seen in the previous chapter, Southview, as a consequence of the events leading up to, during, and prior to the 1981 ‘riots’, had been largely stigmatised as a ‘problem’ or ‘pathological’ (Solomos 1986: 12) area. On the one hand, the police were convinced of the need to root out and deal with the ‘criminal element’, largely seen as a product of the black population and associated, in the case of entertainment, with certain forms of black culture (Southview Report 1981:7). On the other, there was a perceived need to introduce social reform to alleviate poverty and discrimination (Southview Report 1981: 101-3). With respect to the issue of the regulation of nightlife, three issues are key. First, the way in which regeneration strategies attempted to reclaim space for ‘legitimate’ business and normalise the social and economic relations of Southview. Second, the changing nature of the population and the expectations and culture they brought to the locality. Third, the role licensing played in aiding the reclaiming of space and the commodification of culture; and the way historically derived practices and consciousness of policing mediated and reinforced legal practice.

This chapter will deal with the first of these, in particular, the way in which regeneration agencies responded to the challenges highlighted by the Southview Report of 1981.

Specifically, it will look briefly at accounts of regeneration programmes in the 1980s, such as the Urban Programme, which highlight the way regeneration strategies facilitated the reclaiming of space. In addition, how regulation, particularly policing and noise controls, consolidated the reclaiming process. It will then examine accounts from the Executive and board members of the Southview Challenge Company Limited (SCCL), which was

operating at a time of a perceived ‘critical mass’ of change in Southview (from 1992 to 1998), in which tensions and conflicting views of the object of regeneration were represented.

Whilst the previous chapter relied on some interviews but mainly documents and other written materials, the following chapters rely mainly on interview data, with some reference to available documents. These sources include public documents from SCCL, some publicly available documents from the borough council, and council licensing minutes from 1993-9. Other documents, such as internal minutes and memos of SCCL, case notes or records for licensed premises either from the council or the magistrates’ court, police records, and documentation from the borough council, were not made available to me, as was discussed in the Chapter Two. Hence, the interview data is key to being able to access the consciousness of regenerators and regulators, as discussed in Chapter Two.

Before going on to examine these data, however, some comments are needed in relation to the nature of the accounts given and their interpretation. This in particular concerns two issues. First, the limited nature of material concerning events that took place in the 1990s. This section has limited validity because official and non-official accounts of a more concrete nature have been very difficult to access. There is a brief account by Keith (1993), and comments made by the local MET Licensing Officer, a borough council Planning Officer, a borough council Noise Officer, and some ethnographic material concerning local accounts, reflections and memories of those years. As stated in Chapter Two, accessing such accounts was often a matter of chance and luck (chance meetings and unexpected co-operations), given the rate of turnover of personnel and the lack of desire to discuss anything except current policy from the borough council. My main focus has been on the

1990s, but an account of the 1980s seemed key in terms of continuity. Whilst understanding that this may not be the full story and has limited generalisability, the various sources of data accessed do concur and provide at least a partial account of social change during the 1980s.

The second issue concerns the interview data from the Board of the SCCL. There was a definite conflict between the kinds of information I was asking them about (that is, relating to the development of the 'night-time economy' and funding strategies) and what they seemed most keen to discuss and relay to me (which mostly concerned personal and organisation conflicts). This was particularly stark in the case of ordinary board members, as opposed to the Executive. The reason for this was partly to do with the fact that the ordinary board members had little input into such projects, as will be explored. It was also the case that it appeared to me, and in addition was revealed in the accounts (as shall be seen), that political conflict took an organisation form. This has been incorporated into the analysis. However, it does impact upon the presentation of material in the sense that, when examining those personal or procedural conflicts, the chapter merely summarises the way in which they were expressed, rather than explore them in depth.

This chapter will begin by briefly considering events in the 1980s that impacted upon the situation of the shebeens. It will then go on to examine the way in which SCCL contributed to social change and the kinds of social conflicts that emerged from that social change on the Board.

## INTO THE 1980s: THE RECLAIMING OF THE FRONT LINE AND THE MARGINALISATION OF 'ILLEGITIMATE' BUSINESS

The report into the Southview riots stressed not only measures to alter police practices but also the need to counter social deprivation and discrimination in the area, even if this was a lesser remit of the report itself (Southview Report 1981: 101-3). The social policy proposed included support for private sector investment in the area, more public consultation on regeneration projects, an increase in funding to counter racial disadvantage (in housing, education and employment) and police involvement in 'community redevelopment and planning' (1981:102). Police involvement would be required to assess the law and order impact of 'environmental and social planning' (1981:102) to design out the walkways, recesses and other inaccessible routes that allowed 'thieves and vandals' hiding places and escape routes (1981:102). Hence community redevelopment was not only seen as a means of alleviating social inequality, but was also conceived spatially as an anti-crime measure – dealing with and eliminating those spaces in which crime could flourish.

The report was not welcomed by local police. 'Junior officers' in particular were viewed as ignoring the commands of their senior officers who described the actions of their subordinates as 'front line deviancy' – meaning a desire to settle scores with the local community and subvert 'official goals' (Keith 1993:131). Raids continued on the front line – both large raids by rapid response units and 'fishing raids' on the shebeens (Keith 1993:132). In 1983 a new police Commander took charge of the area force and introduced a new style of policing that, according to Keith, was aimed at 'defusing the symbolic power of the front line' (1993:132). This new style of policing took three forms. Surveillance was increased and foot patrols introduced (Keith 1993:133). However, perhaps most

importantly for the purposes of this chapter, ‘multi-agency policing’ was applied – an early form of co-operation between the police and the borough council in which, rather than raid the squats and shebeens along the front line, the council would repossess and regenerate them instead (Keith 1993:132). In a letter by the local MET licensing officer, Brian Walters<sup>1</sup>, this strategy was referred to as being key to the transformation of the area:

After the disturbances of 1981, there was a significant increase in police activity and a lot of money and effort put into the regeneration of the area and slowly the parties disappeared. Some of the venues have now been knocked down and rebuilt on, others have been refurbished and sold to the new professional breed that moved into the area (Letter 23/7/00).

This points to the fact that, at least retrospectively, the control of spaces through regeneration and changing ownership is viewed as a core element of new policing strategies and the re-claiming of the front line. However, despite this redevelopment strategy, change was slow in coming. Indeed, through the 1980s it was not young professionals (meaning career orientated individuals) that were moving into the area (although many of them later became so), but people actively seeking a ‘bohemian’ lifestyle and who were attracted to the ‘lawlessness’ of the area<sup>2</sup>. Also attracted were many left groupings, who plied their trade along the main pavement on Saturdays for a decade<sup>3</sup>. In addition, despite the amount of money being given to voluntary organisations in the area and the general growth in

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<sup>1</sup> Although this officer was not serving in the area at the time, I asked him whether he could put me in touch with a police officer who had been in the area during the 1980s. There was one serving officer that he knew, but said that he was not around very often due to ‘illness’ (indeed, I was told that his nickname was ‘sicknote’). Instead, the licensing officer talked to this officer and wrote the results down in a letter to me. The letter makes fascinating reading regarding the perspective of a local officer on the nightlife and transformation of Southview.

<sup>2</sup> The diffuse nature of middle-class identity in Southview has been documented by Butler and Robson (2001).

<sup>3</sup> I, and many of my friends had moved through the area on many occasions during the 1980s and had observed many of these details.

political and social projects, it could hardly be said to be altering the social composition of the area in favour of the perceived goal of 'social order'. The projects had a strong attachment to the locality and were committed to aiding people, often acting against or bypassing official procedure<sup>4</sup>. Rumours of regeneration orientated towards gentrification only started in Southview around the late 1980s<sup>5</sup>.

There were two distinct changes in this period that it has been possible to identify. First, new funds became channelled into the area through the Urban Programme<sup>6</sup>, although specifically it was the way in which it was applied that became key. Second, the council and the police found a new way of dealing with late night parties and shebeens through the use of a new law, the Environmental Protection Act 1990, which provided for increased penalties for noise nuisance. It cannot be said that these two aspects of the council/police strategy were co-ordinated as a conscious strategy. For example, residents or the police alerted the council to the problem, and moreover noise control only became effective in the context of a new national law. An account of the application of nuisance laws in the borough was given by Peter Rogers, the only environmental health officer who had been in the borough longer than eight years (in fact, he had been in the borough since 1985) and whose remit was noise nuisance.

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<sup>4</sup> Again, this was noted in my own experiences in Southview: the general strength of radical ideas; the conflict between the borough council and central government; and in discussions with the ex-Planning Officer, Dave Ellison as to the nature of managed change.

<sup>5</sup> While visiting Southview frequently in the late 1980s and early 1990s these kinds of discussions were occurring in the locality amongst radical groups, although how far they had emerged in the local population is difficult to ascertain.

<sup>6</sup> This funding structure originally derived from the Inner Area Programme 1977 (Piper 1996), and the account given by Ellison begins with his employment by the borough council in 1985.



The distinctive way in which the Urban Programme was applied was a product of a newly organised planning department of the borough council that was staffed largely by ethnic minority personnel. Their aim was to find ways to aid the local black population and it was this department who then took over part of the planning for City Challenge funding. Dave Ellison, who had served in the borough from 1985 for a decade as a Planning Officer and began working in Southview in 1987, gave this account. As someone who worked and also went out in the area at night, he provided a good account both of the shebeens, and how the nuisance laws, combined with regeneration strategies, operated to close the illegal venues. The overall impact of these collected strategies was a general shift away from tolerance of minor illegality or deviance, to a reclaiming of and an attempt to *legitimise*, space. In other words to alternative spaces, constituted in the Southview context as illegal spaces, back into mainstream or normative social relations (mainstream business practice and legal structures).

The impetus to deal with noise complaints came from two sources, as noted previously. First, residents in the area complained consistently about noise nuisance to either the police or the council. Ellison for example, noted the increased power of the residents associations in the borough over a thirty-year period, and also the fact that the parties had problems with the neighbours, who would call the police (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99). Second, as the responsibility for entertainment licensing was transferred to the borough council in 1985 from the Greater London Council, the council (members and officers) perceived that it had a political duty to protect the interests of residents and deal with noise nuisance:

*I would say that its probably the last ten to fifteen years when these [noise abatement measures] really, really picked up when we took on the issue of entertainment licensing* '(Peter Rogers, Borough Council Noise Officer, 28/6/00).

In the late 1980s, therefore, the council became much more proactive around noise nuisance as a way of dealing with both legal and illegal premises<sup>7</sup>. As will be discussed in the next chapter, this political impetus entailed that the noise abatement service extended from a weekend service for public sector tenants in its initial run, to the present day 24 hour service (Peter Rogers, Borough Council Noise Officer, 28/6/00). The council were able to access a broader range of legislation and increased penalties. Although noise as a civil nuisance had been established since the 1960s, the statutory requirement for councils to consider noise nuisance as part of their functional remit only occurred in 1974 with the Control of Pollution Act. However, the fines were low and did not provide an effective 'deterrent'. In 1990, however, the Environmental Protection Act was passed which escalated fines up to a possible £20,000, although the general amount was between £2000 (according to Ellison, this was the usual amount for fines in Southview) to £5000. Both Rogers and Ellison noted the impact of this (although it should be noted in the following the sums do not add up):

*Faced with a £5000 fine as opposed to a £100, you know, slapped wrist on the night. Quite frankly, between you and I, if I've got fifty people in my home and someone issued me with a £100 fine, that's fifty pence each, and its done, isn't it?* (Peter Rogers, Borough Council Noise Officer 28/6/00).

The importance of noise legislation was that it enabled the council to use some form of

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<sup>7</sup> Ellison, for example, recalls the 'crackdown' began in the late 1980s.

legislation against illegal parties given that, as illegal premises, they did not fall under the remit of entertainment licensing. As another entertainment licensing officer noted:

*With regard to the blues parties, or pay parties, whatever they were called, it was seen that technically they were not public entertainment because they're, you know, in a private household, a private dwelling....the legislation was pushed over to the noise and the Environmental Protection Act (Colin Trace, Borough Council Entertainment Licensing Officer, 24/5/00).*

One impact of the increased attention on the shebeens and noise nuisance was that the organisers had to become more mobile, using empty properties as opposed to homes so that the organisers could remain anonymous. Second, as a result of both economic<sup>8</sup> and legal closure, the reclaiming of space had an impact upon social mobility, as the shebeen organisers often moved from illegal to legal business practices by using funds generated from the illegal shebeens:

*Some of them got so good, they became international. They'd go to the states, and collaborate with others, in more lawful, legal situations. So they'd move from the dingy condemned property of the squat, to become legitimate, to become lawful. Y'see, it offered an easy amount of money for criminals, and then they'd move toward being lawful. That's what they'd aspired to being (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).*

Third, a point implied by Ellison was that the squeezing of this general illegality, through noise abatement, investment and general policing activity, led to the illegality becoming itself less communal or more violent:

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<sup>8</sup> The value and importance of property to borough councils in the general reclaiming of the inner city (noted by Ellison).

*It began to develop..a less tolerant environment to illegal goings on. In particular, when you've got investment coming into Southview, also CCTV as well, to purge the area of the criminal activities that thrived before, and the shebeens wouldn't happen, so also, lets just say that these people were squeezed out and may have led to other areas of enterprise (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).*

He went on to explain that the shebeens became more violent and that there was 'a greater propensity to the use of guns' - a general hardening of perspective from the youth<sup>9</sup>. There was also, around the late 1980s, a general escalation of entertainment activity in terms of demand. As Ellison illustrates, parties that had invited 100 people had 400 turn up, given that Southview was the only night entertainment centre in South London at that time. Residents were becoming more respectable, paying high council tax, and were demanding quiet. A change of political party in control of the borough (moving from Labour to Liberal Democrat), also indicated a general hardening of attitude to illegality. As Ellison indicates, the political, social and economic landscape had made it impossible for the previous social relationships to continue:

*That sort of thing could not carry on. Its almost entirely confined to history, as far as Southview is concerned. . (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).*

The other side in the equation in the reclaiming of space was the regeneration initiatives of the Urban Programme as applied in the late 1980s. Ellison was part of a planning department that, according to his account, attempted to work with the community in a different way. Prior to this point, the borough council regeneration initiatives had worked with the known quantity of Southview, the people who were 'above board, the nice decent people' and the 'lawful, community groups' (Dave Ellison, ex-Borough Council Planning

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<sup>9</sup> 'Nuff niceness' was the phrase used to describe the change.

Officer, 10/12/99). However, the planning team felt that these were not the people who really shaped relations in Southview:

*The problem with that is that its not inclusive enough, and the real movers and shakers in Southview were not the local community, the school or the business person and his dog. The important players in the local community were these peoples sons, these peoples brothers, or the other people in the subterranean society, and what I found is that I really angered and upset a lot of these people, because I wasn't talking to them. (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).*

Hence he made a decision to talk to as many people as possible, and encourage them to transfer from illegal to legal businesses. This was achieved by passing messages around from person to person, using personal and community contacts, and sitting down with them informally to discuss the possibilities of change:

*They were informal situations to get things done, y'know, the formal situations where you come and sit down. Bureaucratic, rigid, hard nose, was not the way to get things done in these communities (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).*

I asked him what he said to convince people, and he stated that:

*I'd say this was good, its in their interests. I wouldn't use the big stick approach. I'd speak softly. I wouldn't tell them straight that this was inevitable, but I'd say that its something they need to be a part of because its happening anyway, and um, there were some who resented this, I'd have to say. Not everyone was on my side, I wouldn't pretend that for the moment, but I'd say that, for those who were reluctant, uh, eventually they fell into line, when they saw things happening, so it was like a snowball effect, and that's where we are right now (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).*

According to Ellison, then, there was a pragmatic acceptance that the process of negotiation could not follow set council rules, but had to in some way relate to the form social relations

manifested themselves in the area – to follow a different style of managed change that accorded to local arrangements. Also, however, it was clear that there was a determination by the council to pursue social change. It appears that this period of activity did benefit local people and business to some extent, but it also drew a line between the old and the new, paving the way for further change. As is indicated, social and economic change appeared and was presented as inevitable. There had been long term changes in the 1980s in terms of a young emerging professional population who desired to live in the inner city, with a corresponding search for cheap rents and properties – although such trends did not become obvious until the 1990s. The ‘riot’ of 1981 seemed to stall this process in Southview in the sense that the ‘respectable’ classes and many families had moved out, but also had correspondingly encouraged a new ‘bohemian’ population to move in who were happy to negotiate with local conflicts. The changes instigated by the borough council (given in accounts in this section) through the application of legal norms and economic redevelopment, supported by local policing measures, indicated a move away from one form of social relations (the acceptance of illegality and informality) to economic and social normativity.

The Urban Programme effectively ended in 1992, but the process of managed change continued with the City Challenge programme, which began in 1992-3 and ended in 1998. Members of the planning department who had seemingly instigated change through the Urban Programme and City Challenge were made redundant in 1997. It is unclear why this was the case, although one respondent (a Conservative councillor) referred to charges of corruption made against a planning department in the council (George Waldings, former member of the Planning Committee and attender of the Licensing Committee, 1/12/99).

Ellison himself had made an allegation of corruption in the department (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).

## THE CITY CHALLENGE YEARS (1992 – 1998): CONFLICT AND CHANGE

City Challenge was critical in the sense that it came to represent locally the ‘critical mass’ of change. In particular, the implementation of the programme had caused local controversy and was seen to be responsible for what has been variously described as the ‘gentrification’ of Southview. More specifically, this means that in essence it was carrying through a process of economic and social change instigated in the 1980s. In conversations with local people, particularly those involved with the media at parties attended during the ethnography, I was perceived as having ‘inside’ knowledge of what was considered to be an ‘unknown’ quantity locally. This was a product of the fact that I had been able to speak to members of the Board of the SCCL in a long-term research project. During those discussions, it was clear that people held SCCL to be a critical factor in the nature of change locally. It was regarded, for those who knew very little about it, as a somewhat ‘sinister’ organisation, and rumours of ‘shady’ dealings persisted for some time.

It has been impossible to assess the degree to which such covert dealings took place, if they took place at all. It is possible that it was simply the general populations’ inability to access information due to institutional paranoia that fuelled suspicions. Certainly, I had a great deal of difficulty trying to access documentary data and encountered institutional resistance, and often rudeness, from the council, the Government Offices for London, and the Chief Executive of SCCL. In the latter case, for example, it took a year to firm up an interview, and even then a telephone interview was stipulated. I was also not permitted to

record the interview. However, such experiences could not be conclusive. In other areas, for example licensing, the council and the police were relatively open. It is possible therefore that it was simply the degree of disorganisation and conflict that occurred on the Board itself and the way in which this had imploded into the media that accounted for the unwillingness to talk. Certainly, after a period of time, it proved easier to find board members willing to be interviewed, and only one member, a black community activist, did not return my various calls.

Despite the local population and local media's<sup>10</sup> preoccupation with SCCL, the research findings present a more differential picture of the role of SCCL in instigating social, economic and cultural change. Particularly in relation to the development of the 'night-time economy', it is questionable how far SCCL were central to those changes. From the interviews and accounts given by the variety of institutions and venues, licensing would appear to be a more determining factor, as will be explored in Chapters Six and Seven.

Nevertheless, there were three ways in which SCCL was key to the process of change in the locality. First, in that it had instigated or at least promoted institutional change. Second, in the type of projects that were funded and in the funding specifications. Third, which specifically related to the night-time economy which became a key expression of change, the altering of the institutional perception of night time culture. It is the first two elements that will be considered in this chapter, and the third in Chapters Five, Six and Seven.

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<sup>10</sup> A file existed at the time of research in the local library, which was a record of 'exposes' in the local newspaper.



## THE PROMOTION OF INSTITUTIONAL CHANGE

Nationally, City Challenge maintained the focus developed by the Conservative Government on private sector, property led development, and the altering of local institutional arrangements away from a public sector ethos (Imrie and Thomas 1999: 229). In addition, it sought to encourage partnerships between the community, voluntary, private and public sector. However, it differed in terms of emphasising social and environmental, as well as property development, concerns (Department of the Environment, Transport and the Regions (DETR) 1999: 11). Additionally, City Challenge funding was designed to force councils away from a public funding 'dependency culture' (Oatley and May 1999) by creating a competitive bidding process whereby councils would have to prove their competence or at least willingness to change (Cochrane 1999). Hence, for central government, an important focus of City Challenge was local government change, particularly for those areas with councils of dubious 'leftist' reputations, of which Southview was one.

In Southview, the focus on institutional change as a means to enact social change provoked conflict. According to the final report of SCCL, although the initial bid had been developed by the planning department of the borough council, with the support of the then Chief Executive, it had only received 'lukewarm' support from other departments (SCCL Final Report, 1999: 17). Delays within the council affected the amount of time allowed to develop the bid, in this case, it was given only 6 weeks (SCCL Final Report 1999: 17). 'Procedural problems' created delays in processing expenditure and there was a failure to second staff in the first two years of the programme (SCCL Final Report 1999: 25). This

was exacerbated by the fact that, in order to guarantee a successful bid, a separate organisation had been set up to implement the programme. Previously, the borough council had received regeneration funding via the Urban Programme as outlined above, but this was the first time local officials for the area as a whole had been forced to consider its own institutional arrangements for carrying through economic development policy. In this context, the borough was one of 21 areas that chose to implement a City Challenge programme through the creation of a Company Limited by Guarantee (DETR 1998: 3). Two 'middle-ranking staff' were seconded from the bid team and appointed as the Chief Executive and the Deputy Chief Executive/Monitoring and Systems Officer (SCCL Final Report 1999: 18). However, far from simply being passive players in the implementation process, board members, particularly the Executive and the Chair<sup>11</sup>, did see their role as involving local institutional transformation. In particular, it was seen by the Executive, board members from big business organisations and the tenants associations interviewed, that the borough council was inefficient and unaccountable:

*I think another major problem which couldn't which couldn't really be acknowledged fully, was the state of the delivery of service from the Council, and other utilities to be honest, but the Council by and large, which was very poor (David Worth, Deputy Chief Executive SCCL, 22/6/99).*

*The one thing I did think was a good idea was to have a separate company. I don't believe that, you know, necessarily having a Council to get a grant to do something from Central Government is the best way of doing things. I think genuinely you do need to encourage partnership (Jonathan Fleming, representative of large retailers & SCCL ordinary board member, 4/8/99).*

*The effect of Southview Challenge probably was on the council to drag the council kicking and screaming into the real world because everything had to*

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<sup>11</sup> The key players who were also seen as part of the executive were the chair, representing big business, and another big business representative. However, the tenants representative interviewed also expressed hostility towards the council.

*be sharper, accountable, more open, more up front* (Sarah Turner, Tenants Forum SCCL, 28/7/99).

Although at several points in the programme it was suggested by the Government Offices for London (GOL) that SCCL and the borough council improve their level of co-operation, there was in practice only a reluctant partnership. This was seen by board members interviewed to be the result of the initial reluctance from the council to apply for the funding, and also a change of Chief Executive in the council signalled a further shift away from support for SCCL (all board members mentioned this issue). They also claimed that the council were inefficient, effected many delays because of the weakness of their officers, and even suspected the council of implementing cuts for which the City Challenge funding was used as compensation<sup>12</sup>. One board member, Sarah Turner (Tenants Forum SCCL, 28/7/99), claimed that the council was just unwilling to let a Conservative scheme be a success.

The procedural problems precipitated by these institutional conflicts meant that SCCL under-spent in the first two years of the programme, and was threatened with closure by the Department of the Environment (SCCL Final Report 1999: 25). Although the closure was prevented by closer agreement on both sides, it did not prevent the stalling of the major 'flagship' project of the SCCL programme - a town centre retail redevelopment project. Private property companies involved in this partnership either fell away or became reluctant to invest in an area with the potential for riots or unrest. Indeed, after a series of

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<sup>12</sup> David Worth (Deputy Chief Executive SCCL, 22/6/99) claimed that the council made £30m pounds of cuts in the first two years of the programme. Henrietta James (Chief Executive SCCL, 10/9/99) however, claimed it was £40m.

disturbances in 1995, a risk assessment conducted in 1997 by a major partner concluded that the project should be municipal so that local government would be responsible for completion and any costs involved in failure (SCCL Final Report 1999: 70). As a result of the failure of this partnership, the Department of the Environment withdrew approximately £4m of funding and reallocated it elsewhere, and a much diminished programme was implemented under the auspices of the borough council (SCCL Final Report 1999: 31).

Hence the first level of conflict was that between the borough council and SCCL. Although the council approved the project and its planning officers were involved in its development, the independence of SCCL seemed to be a cause of consternation. In 1998, a council regeneration officer, Richard Price (10/8/98), discussed with me at length the failures of SCCL. The Southview Town Centre Manager, Carol Underhill (4/2/00) also felt that a line should be drawn over that period<sup>13</sup>. The flagship project, in its diminished form, was completed in 2000 under the auspices of the borough council, and was home to Southview's first Sainsbury's. However, most of the board members interviewed were to some degree preoccupied by the problems faced by SCCL as a consequence of this institutional conflict<sup>14</sup>.

The second level of conflict occurred on the Board itself. Organisationally, there was a conflict between ordinary board members and the Executive, in that the latter were felt by

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<sup>13</sup> A university researcher sought contact with her to discuss the Challenge period, but was told that it was irrelevant. I also mentioned it to her but only met a consistent silence.

<sup>14</sup> Again, this aspect of SCCL's problems was pursued by the Executive, big business and tenants, all of whom had organisational or practical reasons to be hostile to the council. The Small (Black) Business Forum were less vocal on this issue.

the former to be unaccountable in not disclosing certain funding strategies<sup>15</sup>. However, disagreements occurred between board members themselves, as explored in both interviews and conversations over time. The Small (Black) Business Forum felt that their interests, along with that of the 'community' groups, had been neglected in the programme. Martina Drake (30/9/99) and Richard Keith (20/10/99), for example, both representatives of this section, argued that SCCL had ignored these sectors with no good reason. However, they were accused by others (for example, Jenny Brown, a researcher, and Sarah Turner, of the Tenants Forum, both white although Turner dealt with a very mixed community on her estate) of simply playing a 'race' card, and that they had in fact done well out of SCCL (Jenny Brown, SCCL Researcher, 7/10/99). The community sector and the tenants were not given any funding until after a night of 'rioting' in 1995, and felt largely excluded from the proceedings, but here also there was a conflict of interpretation. One side claimed that the residents associations were 'racist'<sup>16</sup>, whilst the other claimed that the Small (Black) Business Forum were simply middle-class and failed to understand the needs of people, both black and white, on the estates (Sarah Turner, Tenants Forum SCCL, 28/7/99).

Many of the disputes on the Board were expressed personally or procedurally. I was told that many of the minutes of the board meetings were simply concerned with procedural disputes. I did manage to look at one set of minutes, which did seem to consist of such (26/2/99 which represents the day I was able to take a quick glance at the minutes).

However, many of the interviewees caught up in such disputes expressed dismay at having to talk about it, and many of the accusations were distinctly personal and will not be

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<sup>15</sup> For example, Richard Keith (Small (Black) Business Forum SCCL 20/10/99) mentioned that none of them knew about the city challenge funding given to the Star Bar until they were invited to the opening night.

<sup>16</sup> Sarah Turner (Tenants Forum SCCL 29/7/99) recalled that she was accused by one prominent black community figure of being a racist in relation to her role and expressed views on SCCL.

repeated here. It was also the case, however, that the conflicts took this form because it seemed to the board members that bureaucratic means were being used to stifle debate about funding (Martina Drake, Small (Black) Business Forum, 30/9/99 and Richard Keith, Small (Black) Business Forum 20/10/99 both expressed this view). However, from the point of view of the Executive, there *could* be no debate as the funding objectives had already been agreed. David Worth (Deputy Chief Executive SCCL, 22/6/99) and Henrietta James (Chief Executive SCCL, 10/9/99) both expressed this perspective. Moreover, board members accused others of having no collective responsibility in that they were seen to have talked to the media and local constituencies about their disagreements. This was particularly aimed at the Small (Black) Business Forum and another black activist representing the Community Forum by Henrietta James (Chief Executive SCCL) and Sarah Turner (Tenants Forum SCCL, 29/7/99). The funding conflicts will be explored in more detail in a later section of this chapter.

The protracted and seemingly futile nature of the proceedings, according to one board member, reflected a level of political immaturity in the sense that they had to learn how to work in partnership (Jonathan Fleming, representative of large retailers & SCCL ordinary board member 4/8/99). However, as already indicated, some of the procedural issues did reflect wider conflicts in the Board regarding the direction of funding in particular. These disputes pertain more directly, as indicated in the introduction to this chapter, to this thesis, in that they concern the relationship between institutions and a particular form or direction of social change. These disputes will now be examined.

## THE FUNDING PROGRAMME AND THE MECHANICS OF EXCLUSION

In the final report of national City Challenge programmes, the social and consultative-orientated properties of the project are emphasised. City Challenge, it is argued, was aimed towards areas of high unemployment and low skills base, ethnic minority disadvantage, uncompetitive industries, benefit dependency, deteriorating physical environments, high crime and drug abuse; in other words, a wide and holistic agenda that considered the physical and social prerequisites of regeneration (DETR 1998: 4-5). The purpose of City Challenge was to attract 'outside' investment in a defined area and create environmental quality and an enterprise culture that would attract people to live and work there. It would include plans that would benefit residents and add unity to existing initiatives; create effective mechanisms to deliver the plans; develop and sustain partnerships between the local authority, public, private, voluntary bodies and local communities; and overall create a 'self-sustaining regeneration and 'self help' that would continue after the ending of the funding regime (DETR 1998: 2). As such, City Challenge was orientated towards a strong 'gentrifier' focus, emphasising the importance of outside capital and internally create the environmental and social preconditions for inward investment, namely good environmental design, a safe physical and social context, and a good local skills base.

Key issues of conflict in SCCL were the degree to which the organisation had flexibility in altering the original action plan, and the extent to which voluntary and community organisations would benefit from the programme. The Southview bid had a strong property/economic development-led orientation, which was reflected in the funding allocations. Of a total of £37.5m allocated, 60% was directed towards 'local economic objectives', of which £11.2m was for retail and commerce (of which £7m was for the major

flagship project), £6m was allocated to small business, £2m for Entertainment, Leisure and Media (ELM) and £3m for jobs/training access. Housing was allocated £8m, and the other 20% was directed towards community safety, community health and care, and environmental improvement. It should be noted here that the original Action Plan envisaged £187m of investment over 5 years, which included £62m of public support and £84m of private funding. In the final analysis, however, only £160.27m was invested, the loss accounted for by the £4m of City Challenge funding withdrawn, and the 15% of private sector capital which failed to materialise (SCCL Final Report 1999: 23).

As such, therefore, not only did the actual funding regime represent a strong orientation away from community projects<sup>17</sup>, but the SCCL funding strategy had a private (inclusive of all types of funding over and above the £37.5m allocated) to public match funding ratio of over 3:1 which was high in relation to other projects (Bid Reports 1993-7). It was fairly clear therefore that this was a definite orientation towards a new way of promoting local regeneration that did not rely on bolstering local community organisations, and what was viewed as a fragile local business, that could not possibly hope to meet the bid requirements. Rather, the Executive spent a great deal of time persuading outside capital to invest and in parallel, the rest of the public relations world that Southview had economic potential. Henrietta James, for example, expressed several times that the Challenge programme was aimed at changing the perception of Southview, both in the media and in the business world. Specifically, she argued that Southview had a negative image that prevented businesses investing and put off visitors. One of the more 'invisible' outputs of SCCL, therefore, was that Southview was viewed more positively by those groups; for

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<sup>17</sup> Unlike another London Challenge programme in Deptford that was not property-led (SCCL Final Report 2000: 19)



example, that it would be a “good place to do business” (Chief Executive SCCL, 20/10/99). Ironically, however, as Drake (SCCL Small (Black) Business Forum 30/9/99) pointed out, Southview had for a long time, prior to SCCL’s activities, sustained London-based tourism as well as thriving small businesses, so the question was what kinds of business and people were put off by the ‘negative image’?

The divisions created around this funding regime as expressed on the Board represented a racial divide, in so far as it is possible to gauge from the two Small (Black) Business Forum members interviewed, Martina Drake and Richard Keith. These two members located in particular the way in which funding had not gone to the local ‘community’, ‘locals’ or ‘small business’, “people who live and work here” (Martina Drake, Small (Black) Business Forum SCCL, 30/9/99). However, race was rarely mentioned directly in these discussions as can be seen by the euphemisms used. They did both comment, however, on the way in which they felt, in the words of Drake, that “black activities have been driven out of Southview” (Martina Drake, Small (Black) Business Forum, 30/9/99). I did also ask her directly if she felt that the conflicts on the Board expressed a racial divide, and she said that she felt they did, but in general there was a reluctance to talk directly about race. However, this may have been a dynamic set in motion by the fact that I was white. They also felt that too much money was spent on public relations whereas, if things really had changed, people would know about it and support it. This suggests that the SCCL emphasis on courting the mainstream media had little relationship to the way in which social networks operated within the black population in the area and in London as a whole.

However, other board members were more direct about the issue of race, in particular those on the Board who rejected community and business demands, and who attempted to explain

why ethnic minority businesses did not do so well out of SCCL. It was suggested that ethnic minority projects were not 'organised' and therefore could not meet the criteria for funding. Unlike previous projects, SCCL was not prepared to bend the rules to direct funding towards the community. Ironically, this perspective was put most strongly by Turner of the Tenants Forum:

*SCCL were there to bring in, really, to lever in private money and people never understood that. They thought we were the council and they thought we were just an organisation who would give out grants and we couldn't do that. We had to see match funding either from the group itself or from some sort of partner. We had to see audited accounts, you know, we had to see people with track records. If they had criminal records for fraud then we wouldn't give them the money, but they weren't used to that because they been used to twenty years with a Labour council who were just doshing out the money whenever they fancied to their mates. And we were that harsh smack of reality and that's why we were hated... (Sarah Turner, Tenants Forum SCCL, 28/7/99)*

Hence, the idea that projects would simply be funded for the purposes of stability (a strong feature of the impact of the Southview report 1981) was no longer the criterion. Businesses had to be 'legitimate' and also had to find match funding in order to be successful. Also, SCCL had the problem of bringing projects together quickly in the initial bid, and so projects that could take longer to evolve were essentially left out of the process. David Worth (Deputy Chief Executive SCCL 22/6/99), for example, argued that black businesses were not very well organised which affected the degree to which they could have been quickly made into a viable project:

*... combination of reasons I think. Partly access to capital for those businesses in the first place, partly they weren't as well organised perhaps as some of the other ones coming in. You know, partly because of the effect of the, I suppose what you would call, kind of the project freeze at the beginning. The projects that came in at the beginning obviously had been projects that were around for a while, very few of those were directly*

*supportive of those kind of black businesses which was recognised about half way through the programme and began to change, but by that time the momentum had gone on anyway, so there may have been some effect of that* (David Worth, Deputy Chief Executive SCCL, 22/6/99).

However, funds were released during the programme as bid projects failed to materialise and conflict occurred in the locality. For example, in a frank moment, the release of funds into the 'community' was explained by a board director as a result of the 'uprising' in 1995. After the uprising had subsided, according to this account, an emergency meeting was called and two or three days later the Board released funding into community projects. The director added, "you wouldn't believe the kinds of things that went on", but then declined to talk about them further (Richard Keith, Small (Black) Business Forum 20/10/99). Some community projects and small businesses therefore were given small grants of between £1000 and £10,000 (all board members interviewed noted this change). However, the conflicts continued. The critics on the Board questioned the extent to which City Challenge rules really did predicate against support for the local community and business organisations, particularly as they gained the impression that the Executive were suspicious and cynical of local people who sought funding from public bodies:

*I think if they had some sort of policy about making sure that local businesses were able to benefit from some of the contracts going, we're always told they're not able to do that because of CCT and we're saying, can you go and find out. Just the other day some woman came with something that said its not true, there isn't anything under CCT that stops them giving contracts specifically to local companies, but that was the idea of Southview Challenge because you know I think the mindset was very different from the beginning. They didn't want to work with local people, local businesses to try and deliver some of the output that they had and I'm not sure, James Hatton [Chair of SCCL] would often say its because Henrietta felt that when local people came in to see her they always wanted something, and something for themselves or something....* (Martina Drake, SCCL Small (Black) Business Forum, 30/9/99).

Indeed, she went on to explain how she thought that the Executive felt that local people were corrupt for wanting more funding, as the following illustrates:

*The stuff that went on there was just horrendous that I don't even want to talk about, you know, for them to say that local people were more or less corrupt because that was the idea that was going around, they're looking for things for themselves and they shouldn't have been, but who else are they supposed to be looking for things for, you know...(Martina Drake, SCCL Small (Black) Business Forum, 30/9/99).*

A Runnymede Trust report (1996) also claimed that SCCL excluded local people and business from benefiting from regeneration. However, SCCL were also bound by governmental edicts. Worth, for example, explained how, at the end of SCCL in 1998, they attempted to set up a trust fund for the Small (Black) Business Forum, as they had for other forums. However, he stated that this had been “ruled out of order by the Government Offices for London “threw regulations at us in terms of forward funding”. These regulations were not, however, applied to the other trusts (Deputy Chief Executive SCCL, 22/6/99).

The orientation of SCCL was institutional (in the sense of altering local political relations and networking), and social (in the sense of altering the way in which community relations had been managed up to this point). According to accounts, previous funding regimes had, since 1981, sought to aid and integrate particularly the local black community, in a way that was thought to be ‘corrupt’ by Executive members of the SCCL Board. Worth, for example, expressed this frustration with local community relations:

*..the main criticisms were, I think, were as a result of high expectation in the beginning from people with small businesses and some of the community groups who thought that this might be something that was essentially going*

*to line their..they would have received large number of grants, extra money directly themselves and when it didn't pan out like that, when it actually went to projects like the Roxy or the local concert venue, and only smaller amounts were going into the community sector and into small, particularly the small business sector, you know, there were a lot of people decidedly upset (David Worth, Deputy Chief Executive SCCL, 22/6/99).*

SCCL had a clear orientation towards not only regeneration per se but in altering the conditions of local economic and social organisation. However, from another point of view, the previous way of conducting relations – the informal orientation of funding regimes and the bending of rules – could be seen as a positive action in the light of the severity of racial discrimination. Whilst perhaps not ideal and possibly open to abuse, the entrenched nature of discrimination at all levels of society suggests that ethnic minority groups in Southview would gain little from the strict funding regime of SCCL, given the absence of capital, legal or administrative support, and SCCL's predisposition towards changing local practices (Medas 1994).

However, the Board, particularly the executive members (for example, included here were Worth, James, Fleming and Hatton) did generally express the idea that they wanted to retain the core 'culture' of Southview. A key element of the 'vision' for the locality, expressed in the original Action Plan (1992), was the 're-imaging' of Southview. Part of this vision was about re-textualising Southview's reputation as a crime and riot-torn centre, but not, it was stated, at the expense of the 'vibrancy' of local culture. The bid planners wanted to retain Southview's history as a West Indian centre, but it was also its 'multiculturalism' that was emphasised:

Southview Challenge will make Southview THE centre of multicultural entertainment and shopping in South London, expressing the energy,

enterprise, achievements and proud spirit of its people. A great place to live, work, visit, shop and have fun (Sec 1:I, Action Plan 1992).

Rather than rebuild the town centre, SCCL attempted to utilise local culture as part of its plans. Consequently one of the local markets, which specialised in Jamaican goods, was renovated by painting and generally cleaning up its interior, and a series of colourful wall-hangings designed to express the ‘spirit’ of the locality were created. A local black archive received funding to build up its collection in premises in the town centre. A mural was commissioned in a central location that featured multi-cultural portraits. SCCL set up a local yearly carnival supposedly in the spirit of Notting Hill (but always sparsely attended). Members of the Board referred often to the need to retain this multi-cultural vision, and to the ‘vibrancy’ and ‘colour’ of the locality:

*....there was a fairly well worked out vision in a kind of corporate sense which seemed to cover most things, it was, a you know a multi-ethnic, multi-cultural dynamic twenty four hour economy area where good housing and you know, mother, y’know, apple pie and all that stuff. I mean it was very, nobody could argue with it, as most visions are from that perspective, and it was sustained right the way through the programme.* (David Worth, Deputy Chief Executive SCCL, 22/6/99).

*...some of the concepts that we had I think absolutely spot on and anybody coming in now would have exactly the same view of how the regenerate Southview, the whole idea of twenty four hour culture, improving on the entertainment side, building on the older historic parts like Electric Avenue and the markets, you know, basically, making a virtue of the kind of colourful local scene really. Absolutely perfect* (Jonathan Fleming, representative of large retailers & SCCL ordinary board member 4/8/99).

The Chair of SCCL and former director of Shell International, in attempting to summarise what the Board were trying to achieve in relation to local culture, pointed to a poster of a West Indian marketplace in the sun and referred to the “light and the colour” of the place (James Hatten, Chair of SCCL, 12/10/99). He said that he knew very little about Southview

before coming to work with SCCL, but, having done so, proceeded to attempt to re-establish the Small (Black) Business Forum in a local office space after SCCL had wound up. The responses of these individuals, who all came from a white, professional background, seemed genuine in the sense that they thought the culture of Southview was something to be preserved or, in the case of its marketing strategy, repackaged.

However, a thread running through SCCL plans was also that the existing black and ethnic minority population could not provide the basis for regeneration in the way it needed to be carried (that is, through consumption of redeveloped goods and services). Worth, for example, explained that the existing market conditions were not supportive of ethnic minority businesses because the incoming “new young predominantly white population” supported the new entertainment venues but not the local black businesses (David Worth, Deputy Chief Executive SCCL, 22/6/99). The distinct nature of those entertainment venues will be discussed further in Chapter Five. As illustrated by this, however, not only was SCCL orientated towards attracting external capital, but they also had a strong tourism-orientated approach, and sought means by which visitors from outside Southview could be brought within the centre. In a section of the Action Plan entitled ‘Southview Revisited’ for example, (an imaginary look at Southview post-SCCL), the importance of ‘visitors’ was mentioned four times, referring to the need to make Southview more ‘welcoming’, more ‘alive’ and ‘smarter’ (1:iii, 1992). As such, it was thought that the existing balance of services should be altered. James explained that the strategy would be to convince outside business to invest in Southview, by inviting them down and pointing out to them the opportunities; in other words, that it was a ‘commercially good place to be’ (10/9/99), the purpose of which was to create middle-class tourism. Turner summed up the strategy directly:

*These big regeneration projects, as we always said on Southview Challenge, we can either get them all on the streets, get the middle classes on our streets and mug 'em, right, 'cause that's what we were doing in 1990, say, or you create restaurants and you get them in restaurants and you mug 'em by charging 'em £1.50 for a cup of coffee. Now what is best way for our community to operate and obviously the best way to operate is to bring them to our restaurants and charge them £1.50. That's a problem because you're creating regeneration for the middle-classes, that's what you're doing, but you have to have their money, you can't regenerate anywhere unless you've got money and you can't just hope for Government money because that's a short term thing....*

*..if you're just setting up Caribbean things, unless you're setting up the whole tourism bit to connect with it, the people who come to the Caribbean restaurant probably won't have enough money in their pockets because there aren't that many middle-class Caribbean yet....(Sarah Turner, SSCL Tenants Forum, 28/7/99).*

In essence, this statement sums up the contradictions of the SSCL project. Although locally support could have been had for maintaining and developing existing social relations, the logic of the market channelled through the form of City Challenge, meant that pragmatically the area's economy could not be sustained through a relatively poor population and the local services catering to them. Even Martina Drake, a strong critic of the programme, argued that attracting 'middle-class tourism' was a plausible strategy, even if understated at the time<sup>18</sup>:

*I agree with that because that was one of our ideas. There wasn't any point in trying to attract more people who are on benefits or whatever to the area which was all low cost housing perhaps would have done. Um, but I didn't know that that was, maybe because at the time it wouldn't be politically correct to suggest that that was what we were trying to do, so it was probably a hidden agenda, but if they had an agenda as strong as that I don't see why that didn't come through really. So maybe that's why the idea about the bars and the restaurants... Maybe that's why they chose those*

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<sup>18</sup> In saying the following, she was responding to the previous statement that I had relayed to her. She also added that this could have simply been after the event, and that these trends were happening anyway.



*outputs about leisure and the twenty-four hour economy..... Yes, yes, attracting tourism. Tourists in the wider sense of the word, I mean someone who lives in Hampstead could be a tourist in Southview. I think that's what they meant really in terms of people living outside the area. (Martina Drake, Small (Black) Business Forum SCCL, 30/9/99).*

She gave one example of how it was difficult for local people to sustain their businesses. A local woman, for example, set up an African restaurant and received a small grant to help with the renovations. However, she couldn't find anyone to help her renovate the place and, because it was a little shabby, it failed to get business and closed. A Chinese restaurant opened in the same space, however, with clean décor and wooden tables, and was a success. It is not that there would not have been a market for African food. Rather, it was the case that middle-class consumers wanted an ambience that was 'trendy' and 'clean'. She received no support, however, to carry this through. Whether it would have been possible to base a service economy on black culture if the support had been there is an issue therefore. Drake felt that in the context of the 1990s it would have been possible, given the London population's interest in black culture and the reviving fortunes of the younger generations. She mentioned that there were only a few black cultural and other goods on offer, bar the remaining food shops, and that the development of Southview could have been based around a "New Orleans" ambience. The inability to carry through this kind of project, she felt, was a direct result of what she refers to as a "definite agenda on the part of the council to move out quite a few of the black people who occupied this area", which took place after 1981. Although she argued that this included many of the drug dealers, in the process of change it also meant that a lot of the "energy" had been lost:

*Rehousing people, people being moved to the outskirts, doing up those properties, letting them out to different tenants, businesses underneath. Certainly looks better in fact, you can't quarrel with that. But do I think it's 'better'? I think in some respects its been improved... but I think in terms of*

*the mix of people and the quality of what we could have had here in terms of the market, the mix, I don't think that has improved... Like ten years ago it was useless, it's people setting up these restaurants for black people to go to but we're not going to pay that kind of money for food we can cook at home, but now the time is right. I think that a lot of black activities have been driven out of Southview..(Martina Drake, Small (Black) Business Forum, 30/9/99).*

Hence, the argument here is that SCCL, in the context of other pressures, was short sighted in its aims. It was orientated towards 'external' capital and had a high funding to capital relationship. It purposely moved away from funding local community projects (until the riot intervened). It was admitted that, as a consequence of this, local black business lost out. A conflict occurred as to the vision of Southview post-SCCL. The programme was orientated towards, in a sense, marketing local culture, and yet had a strong externally orientated character because it was felt that there was not a sufficient basis locally. And yet, according to some local black business, this was no longer the case and indeed a 'black' orientation would have preserved the distinctive reputation and ambience of Southview – its sub-cultural capital (Thornton 1995).

## CONCLUSION

Despite the sparse reports of events that took place in the 1980s, it is reasonably clear that action was taken by the council to instigate change in the locality. In particular, this occurred in two ways with respect to the shebeens. On the one hand, changes in national legislation meant that the council could pursue noise complaints with greater effectiveness. On the other, regeneration funding was orientated, albeit in an innovative way, to inculcate local business into the mainstream. The process of change, according to the planning officer interviewed, was seen as inevitable and necessary. Moreover, social change was

further encouraged by the growing perception of Southview as a ‘hip’ place, albeit littered with ‘danger’, by bohemian-orientated white youth. Of course, it was also during this period that London as a whole was changing its composition, and Southview was not insulated from these trends.

The City Challenge programme accentuated this process. However, it also, as a programme, inspired what can be described as institutional conflict. It was private sector orientated and favoured as part of its programme the idea of a large ‘flagship’ project, alien to the Southview context. Separately constituted from the council as a private company, SCCL sought to precipitate institutional change. The Board itself was beset with power disputes that were both personalised, as briefly illustrated, but also referred to disputes about funding and support that reflected broader social conflicts. City Challenge was seen by its critics, particularly from small business and a section of the ‘community’, to have made little provision for small business and community projects. Instead, it had orientated itself to ‘outside’ capital, a move that was aided by the high capital to funding ratio which local business often could not meet. Confusion was expressed as to whether the Board was bound by City Challenge rules nationally or whether they could have had more flexibility if the agenda had been different. In particular, whilst the Board celebrated the ‘diversity’ and ‘multiculturalism’ of the locality, board members also expressed the idea that the black-orientated culture and services were not a sufficient basis for regeneration. A strong orientation to ‘tourism’ in the ‘vision’ for the locality expressed those ideas more directly. As such, then, the existing ‘black’ culture was at best viewed as in need of re-packaging and at worst as financially unsustainable.

The final DETR report on City Challenge programmes stressed the prerequisite of creating a clear vision that worked with ‘local conditions and circumstances’ (DETR 1998, p13); such as relations between the public, private and community sectors, to create clear objectives and outcomes<sup>19</sup>, and the need for the widespread ownership of the strategy. The difficulty, in an area which consisted of 40% minorities, was that City Challenge was, as one report put it, ‘colour blind’ (Medas 1994: 13), and in Southview the tendency was to implement the projects as such (although employment was directed towards local people through 80% local employment specifications for building contractors, SCCL Final Report 1999). The report also noted that the DETR in 1992 had been critical of local authorities who had attempted to include the ‘structural voluntary sector’ (which are strong in ethnic minority communities) but not residents associations (which are strong in white communities) (Medas 1994: 14). Hence it would seem that largely the Board was bound by national specifications. However, the programme also failed in the sense that it was not orientated towards developing the necessary support for black businesses, despite a seeming willingness to do so.

However, part of the reason why SCCL was seen to act partially was in relation to the very visible development of the ‘white-orientated’ night-time economy. It is this that is the subject of the following chapter. Although not entirely the responsibility of SCCL, the Board nevertheless did introduce some important dynamics in the area which have had lasting effect.

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<sup>19</sup> The report noted the problems of innovating baseline audits as a result of the need for these concretised outcomes.

## CHAPTER FIVE

### FROM NIGHTLIFE TO 'NIGHT-TIME ECONOMY' AND THE SPATIALITY OF SOCIAL DIFFERENTIATION

As noted in Chapter Four, one of the most visible<sup>1</sup> areas of change in the 1990s is illustrated in the way a new sector, described as the 'night-time economy' by council officials and Southview Challenge Company Limited (SCCL), emerged. From analysis of the data, the development of the night-time economy in Southview can be seen to result from three interrelated factors.

The first of these is the nature of the impact of SCCL, specifically in the form of funding and the kinds of projects funded by it, as examined in Chapter Four. The question is to what degree funding was influential in affecting the direction that nightlife took, away from its Caribbean and black roots towards a more homogeneous white, middle-class orientation. An important addition to this, however, is the relative impact that SCCL funding and development plans had in relation to existing white 'cultural entrepreneurs' (O'Connor and Wynne 1996) and whether the emerging predominance of the latter has influenced the forms of cultural expression locally.

A second point relates to the degree that the changing population of Southview, and indeed London in general (Butler 2001), has been an important influence on the way in which the night-time economy has developed. Are night venues simply attempting to cater for the most profitable audience (young white professionals who visit the area), and

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<sup>1</sup> This is based upon personal observation of the locality as well as being commented on by respondents from SCCL and long-standing residents.

consequentially does cultural policy follow the logic of revenue sources (Amin et al 2000, Klein 2000). Chapter Four described the way in which SCCL was orientated towards a vision of cultural 'tourism'. Tourism is used in this chapter to indicate international, national and London based consumers of the local economy but may also be taken to mean temporary 'residents'. The key defining factor in this definition however is not technical but attitudinal: is there a desire to integrate or merely to 'use' the locality for some temporary purpose? This chapter, however, will attempt to address the kinds of preoccupations and precepts that are brought to bear on the logic of the night-time economy by its participants, and how this shapes it as a whole. Specifically, as already suggested, it will explore the ambiguous relationship of 'tourists' or 'incomers' (the way such populations may be referred to in this chapter) to the 'frisson' of the locality. As already suggested in Chapter Three, Southview developed a reputation as a centre for 'bohemian' lifestyle; a mixture of cultural innovation, deviance and crime. At the core of this 'understanding' of the locality lay in its diverse ethnicity's and particularly the way in which the local black population was seen to embody resistance. This is what is meant as the 'frisson' of the locality to which the incomers have a contradictory relationship, one of 'fascination' and 'fear'. This will be explored in the last section of this chapter.

A third factor, to be explored in Chapters Six and Seven, is the way that licensing and policing served to define how nightlife evolved and the expectations nightclub owners and their clientele brought to it. Nevertheless, economy, regeneration and 'culture' do form important elements in the description and outline of social change.

Establishing such trends, however, as explored in Chapter Two, is methodologically controversial. Whilst accounts of the development of nightclub businesses, their

relationship to local regeneration strategies, and the role of SCCL is easier to establish as a narrative (although subject to the usual reservations and conflicts, as again described in Chapter Two), outlining the interaction between culture and social change is methodologically difficult. A core element of the research was an ethnography of the 'locality'; bars/nightclubs, restaurants and local residents private parties or dinners. To what degree, however, can such observations and interactions really address the complexities and indeed contradictions of culture in Southview? What evidence can be brought to bear upon observations of spatial differentiation in the locality and in night venues, and issues of fear and fascination as expressed in behaviour and discourse, as defined by conventional research methods? The last section, which explores such issues, has been included because it provides a narrative description of those complexities and contradictions. However, they can be no more than a personal interpretation of what they culturally signify. For example, how one views the culture of nightlife depends largely on one's experience of them and the ideas and preoccupations brought to bear on those experiences. In addition, reservations need to be addressed as to the relative weight of the data in relation to the whole. Although I was a resident in Southview in 1989 and 1998, a regular visitor between 1989 and 1998, and in addition conducted research between 1998 and 1999, such involvements cannot claim to be more than a partial representation of events. The vast majority of this research, as outlined in Chapter Two, was based upon interview and documentary data. Hence the issues outlined above will be explored in a descriptive capacity, along with noted subjective interpretations, and important questions that need to be addressed further.

This chapter will firstly examine the way in which the legitimate night-time economy emerged from the activities of cultural entrepreneurs<sup>2</sup> from the 1970s onwards, and the role of SCCL in relation to the night-time economy in terms of strategy and funding. It will then go on to look at the way in which key syndicates became locally dominant. Lastly, it will explore the way in which spatial differentiation is expressed in the night-time economy.

#### COMING IN FROM THE COLD: THE EARLY ENTREPRENEURS OF THE NIGHT-TIME ECONOMY AND THE ROLE OF SCCL

From the late 1970s, as already described in Chapter Three, a number of people had moved to Southview and had set up ‘cultural projects’. One of these was the Roxy cinema owned by Peter O’Brien (Co-owner of Thai Heaven and the Zebra, 1/2/00), which showed a variety of films cheaply, or for free, and in which behaviour was liberal (drinking and weed smoking was permitted to take place inside). In addition to this, in December 1981, a couple (Sarah Waites and John Peterson, Co-owners of the Dome, 11/5/00) set up an ‘indie’ post-punk club called the ‘Dome’, which throughout the 1980s became famous for its gay nights. In 1985, another club opened in the centre, owned by Jane Marriot and her partner, originally specialising in reggae and then moving to trance (and now called Club 99). In or around 1987, an up-market restaurant/bar was set up by Michael Oswald, called the Southsider, which closed after three years but opened again in the mid 1990s. In addition to this (and the illegal venues), there were approximately four West Indian Public Houses in the centre (of which only one remains, and this is situated in a back street outside of the

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<sup>2</sup> This account is guided by interviews from night venue owners who still operate in the locality and does not take account of those who have left or been closed down, apart from exploring the transition of the Mango to the StarBar.



main thoroughfares). One key West Indian venue was called The Mango which was situated on the front line, and was owned by Jake Wilson and Winston Henry.

During the 1980s, all cultural venues, whether black or white owned, faced problems from the police, the licensing authorities and the broader problem of the ability to mobilise capital and run a business. As noted in Chapter Three, the owners of 'Dome' explained that they had to move venue in 1985 due to their original space being sold to the council, faced a few raids by police, and were certainly not permitted to open after 2am. They felt that the council was hostile to them. Moreover, they could not access loans or other financial services such as insurance and bank accounts. Indeed, Peterson explained that he went to jail for six months for tax evasion because they could not afford to pay tax and keep the business afloat at the same time (John Peterson, Co-owner of the Dome, 11/5/00). Such licensing and financial problems were common to all of the cultural entrepreneurs interviewed who had set up prior to the SCCL period. As will be examined in Chapter Seven, Club 99 was told by the police to stop playing reggae in the late 1980s, a edict which by that time the owners were happy to comply with because they felt it was getting violent (Jane Marriot, Co-owner of Club 99, 18/11/99). Although Marriot and her partner were given three months rent by the council to help set up her club, the rest was financed from loans or help from friends. Oswald described how he had problems accessing bank due to the fact, he felt, that the bank manager that handled loans via the borough council was a 'racist'. Moreover, the council had expressed surprise when told that black people did drink wine and therefore a wine bar/restaurant would be a suitable premises in Southview (Michael Oswald, Owner of the Southsider, 9/12/99). However, through what has variously been described as collective effort, an ability to evolve with the local community, and the juggling of resources, these venues on the whole managed to stay open and afloat, if with

marginal profits. O'Brien, for example, said that he could only be described as making a living from the Roxy, the profits being too rare for a successful enterprise (Peter O'Brien, Co-owner of Thai Heaven and the Zebra, 1/2/00).

The development and expansion of the night-time economy in the 1990s was claimed by Henrietta James, the Chief Executive of SCCL, as a key success of SCCL and something that was planned from the beginning. Moreover, she argued that the use of the night-time economy as an economic driver was unique to Southview at that time<sup>3</sup> (Henrietta James, Chief Executive SCCL, 10/9/99). However, in the original Action Plan (1992), the only venues planned for renovation were the Roxy, a communication industry base with restaurant facilities, a 'visitor initiative' to promote tourism (listed under the category of community facilities) and a project in the nearby St John's Church<sup>4</sup> (also mentioned under the 'community facilities' subsection). In other words, a fairly broad arts focus as opposed to a night-time economy. The only problem noted in relation to entertainment was that it was 'concentrated in the evenings with too narrow a base, whose economic potential is not fully realised' (Action Plan 1992). However, a report by the borough council's environmental services division in the same year argued more strongly for the importance of nightlife to the locality, although in the context of maintaining Southview's mixed function as a retail, business and entertainment centre. It should also be noted that the report stated the need to retain Southview reputation as a centre for black entertainment:

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<sup>3</sup> A point that should be contested as such discussions were already taking place in Manchester (Lovatt 1996).

<sup>4</sup> David Worth described how the Executive was not keen on this project, but that the Church of England, MP's and the Employment Minister campaigned for it. They were successful because they were considering the project at the same time as a discussion was taking place about a short-fall in spending (Deputy Chief Executive SCCL, 22/6/99).

The music, media and communications industry has a growing role in the local economy. Entertainment's, arts and cultural activities also benefit other uses including shops, public houses and restaurants, and make an important contribution to central Southview's vitality and atmosphere. It is also a focus for entertainment for the black community (Southview Borough Council's Unitary Development Plan, Nov 1992: 219).

However, such emphasis were not an expressed part of the SCCL plan, which simply referred to a commitment to 'multiculturalism' as noted in Chapter Four:

The importance of the night time economy became a more focused theme in 1994, after a study by the Civic Trust emphasised the 24 hour economy, the importance of the arts and leisure sector and the need to address Southview's 'seedy' image (SCCL Final Report 1999: 66). It proposed the need to develop a 'safer, welcoming and cleaner town centre' (SCCL Final Report 1999: 66). This study was completed 2 or 3 years into the project and was key to the re-branding of the centre, as Ellison describes:

*Yes, the Civic Trust came in 2 or 3 years into the programme, and it was they that looked at the potential of Southview, the culture, the vibrancy, the night time economy, with a view to branding the town centre for the particular focus of regeneration. It was then that the Chief Officers of Southview Challenge accepted this as a legitimate approach to regeneration for Southview. Essentially, they weren't so sure what to base it on. There was always a night time economy here, there always has been - albeit it was illegal - but it was here....(Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).*

Further funds were diverted to the night sector, in the form of external façade and security grants, through a local concert venue in 1994 (SCCL Annual Report 1994/5) and two local public houses in 1995 including the StarBar (SCCL Annual Report 1995/6). These direct funding figures however disguise the amount of money channeled from other sources which can broadly be seen as involving the night-time economy. For example, a scheme to

renovate commercial and residential premises in the front line rebuilt retail facilities in one section of this area, which has been utilised by a ‘trendy’ cafe that seems to have a connection with one of the Star Bar syndicate<sup>5</sup>. St John’s Church was also renovated and eventually became a complex consisting of a restaurant, bar and theatre. The theatre later changed to a 1000 (or more) capacity club, named Prayer, under the management of the StarBar syndicate. Funding was also given to a ‘black bookshop/evening cultural centre’ in the same area. The Roxy received £1 million (Peter O’Brien, Co-owner of Thai Heaven and the Zebra, 1/2/00) through SCCL grants, and in fact the sale and redevelopment of these premises was predicated upon the receipt of public money (Peter O’Brien, Co-owner of Thai Heaven and the Zebra, 1/2/00). O’Brien, having sold out, then opened, in partnership with a local restaurateur, a bar/restaurant on the site of these premises, called Thai Heaven. This project also received £60,000 after some negotiation with the SCCL Board, which will be discussed in the following section of this chapter (Peter O’Brien, Co-owner of Thai Heaven and the Zebra, 1/2/00, Martina Drake, Small (Black) Business Forum SCCL, 30/9/99). Lastly, the new Southsider Bar received a grant of around £12,000 for the purposes of renovation (Michael Oswald, Owner of the Southsider, 9/12/99).

Such activity does give the appearance of change, and indeed the development or transformation of the night-time economy is one of the most visible impacts of SCCL. However, as the final evaluation of SCCL argues, little measurement has been taken of the extent to which venues were intermittently closed and reopened, or closed permanently. Moreover, various types of business are included in the ELM sector. If the figures are

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<sup>5</sup> This café opened after completing the ethnography, but I did visit these places and what seemed key was the way in which the fliers and advertisements were dominated by the Star Bar enterprises. Having said this, it could be that they simply had an exclusive business deal.

broken down further, it is only food provision which has seen the most dramatic rise (from 25 premises in 1993 to 105 in 1998). Community facilities diminished from 14 to 8 in the same period, cultural facilities rose from 17 to 34 in 1995 and then diminished to 24 in 1998, and music venues which declined from 7 to 4 from 1993 to 1998 (SCCL Final Report 1999: 53). The appearance of change is however merited by the fact that many public houses were taken over and transformed into 'dance' bars, which proliferated particularly between 1997 to the present. Hence it was the type of venue (that is, the transfer of public houses to dance bars catering for new and distinct audiences) that became the most visibly distinct indicator of cultural dominance in Southview. This will be described in the last section of this chapter.

Hence, as has been seen, there were many cultural entrepreneurs already operating in the area and they did not necessarily receive large amounts of public funding. However, SCCL did claim the development of the night-time economy to be a key strategy and indicator of success (Henrietta James, Chief Executive of SCCL, 10/9/99), and it did become the most visible face of change in Southview. SCCL was, however, critical in creating a catalyst for cultural change, the key example of which was the StarBar syndicate. It was significant partly for symbolic reasons, as shall be explained shortly, but also because the venue spawned replica venues throughout Southview. Also during this period other key cultural entrepreneurs became active networkers in the locality, which had some relation to SCCL and regeneration initiatives in general.

## CULTURAL TRANSITIONS: FROM THE MANGO TO STARBAR LTD

In Chapter Four, the conflict on SCCL was explored in relation to the problem of ‘community’ and small business particularly in relation to black organisations. A key moment that shaped these debates was the change of ownership of the Mango to the StarBar Ltd., and in particular how this change was managed. The Mango was a key symbolic location on the ‘front line’ (or at least became so), and in its 30 to 40 year history was not only a West Indian “watering hole” (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99) but also a venue frequented by the police (Sergeant Brian Walters, MET Licensing Officer, 12/10/00). The venue was closed, on agreement between the police and the brewery that owned it in 1994, after a series of raids for drugs. After being closed for a year, it was reopened by StarBar Ltd. The place was renovated with £75,000 of SCCL funding. Approximately a month after opening, it was targetted, looted and burnt during the 1995 ‘riot’ (the reasons for which were noted in Chapter Four), but was quickly renovated. The venue was seen locally by different sections of the population, as will be outlined in this chapter and Chapter Seven, as suspicious because of its close relationship to the police, the character of its clientele (mostly young white ‘grunge’ professionals), and for its receipt of SCCL funding. In addition to such considerations, I encountered the opinion, which again will be illustrated elsewhere, that the Mango’s managers were subject to levels of police attention that the present owners were not.

According to Ellison (ex-Borough Council Planning Officer 10/12/99), Terrance O’Leary (former Chair of the Licensing Committee and current Chair of the Planning Committee,

10/11/99), and Brian Walters (MET Licensing Officer, 12/10/00), the Mango did acquire a reputation for illegality, drugs (mainly Cannabis), the transfer of stolen goods, and drinking after hours in the 1980s. However, these factors are common to all venues in that period, because most pubs in the area would be frequented by minor drug dealers, and most had 'lock-ins'<sup>6</sup>. As Ellison put it:

*The Mango..there are 3 or 4 pubs of significance to the local community in Southview, and, lets just say, these were the only places, they sat on a thin line between lawful and unlawful, because they were lawful pubs, but what they'd often have is drinking hours beyond the drinking times. This isn't just in Southview. It happens everywhere, y'know, shut the door, pull the blinds down..(Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).*

Over the years, the management had attempted to buy the lease for the venue from the brewery, but had been refused, which according to Ellison, was a product of possible racism:

*Jake had run this place, given them extremely good profits for a very long time, um, and eventually, had tried to buy the lease for himself, effectively, had been independent and entrepreneurial for a very long time. He was consistently denied the opportunity to purchase the lease for a long time. Now I don't know if it was the case that it was racism, I'm only telling you what Louis said to me, or what others said to me as well. They suspect that there was maybe a bit of racism here, because there was a rumour that the brewery owner said he would never sell it to a black guy. I don't know if that's true or not (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).*

In the late 1980s, the police started to take account of the illegal activities, and on agreement between the brewery and the police the venue was closed down on a couple of occasions. It was generally agreed that Wilson had lost control of the premises (Ellison

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<sup>6</sup> This observation comes from my own experience and that of residents talked to.

10/12/99), and O’Leary, who knew the management, put this down to ‘bad’ business skills (Terrance O’Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, 10/11/99). As Ellison put it, however, the pub was subject to pressure from local gangsters who wanted to use the venue as a basis to sell drugs, with threats of trouble if the management refused. It was felt by the management that they could not go to the police to explain their problem, largely because of the historical reason in licensing that it would be considered the licensee’s fault:

*I would say largely it was his own fault. He couldn’t keep a grip on that. But then who can? If you’ve got gangsters coming in to sell drugs, how can you deal with them....all these people were saying, well we’ll give you a percentage of the takings, and you’ll let us sell this, and if you don’t, you’re going to have problems. They’ll damage your pubs image, they’ll come in and start fights, cause trouble. You’ll lose your patronage. When it comes to these kind of syndicates, you have to fight fire with fire. You can’t say nicely, can you please not do this on my premises. That’s not how it works, so its a matter of luck really as to what happens. You could mention it to the police, but you’d get into trouble here (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).*

The police<sup>7</sup> arranged with the brewery for the venue to be closed until a suitable management team could be found with a “new theme” (Brian Walters, MET Licensing Officer, 12/10/00), and the existing manager was refused a license from the magistrates (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99). The manager was also charged on a count of permitting drug sale/use on his premises, but was found to be not guilty (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99). The police interviewed every prospective owner, and five were rejected. For example, a female

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<sup>7</sup> This account was provided by Sergeant Brian Walters, the borough Licensing Officer and Ellison. A fuller examination of this informal process of policing will be considered in the next chapter.



manager who had the idea of turning it into a gay pub was rejected because she owned a venue elsewhere in Southview and was seen to have “criminal connections”. Others were rejected because they weren’t seen to be ‘strong’ enough, until the present syndicate came along who were considered to be professional as they were the only ones who had a business plan (Brian Walters, MET Licensing Officer, 12/10/00). The team agreed to use CCTV and put security on the door to deal with the previous “element” (Brian Walters, MET Licensing Officer, 12/10/99). Alongside this, however, the new management team applied, and instantly accessed, SCCL funding to renovate the exterior, but was used to build an extension, a beer garden and so on (Neville Hampton, Co-owner of the StarBar and Prayer, 29/2/00<sup>8</sup>). The application and receipt of SCCL funding was viewed by Hampton as being unproblematic:

*Southview Challenge at that time had a lot of money to do up buildings in the central area, so I simply applied to do up a pub in the middle of Southview - it was fairly straightforward. On this road, we've got money, I mean, the Roxy got money, Thai Heaven got money, every single venue of this road, that looks done up, got money from Southview Challenge. And that's fine, that's worked, because we wouldn't have had the money to do it without their funding [answers mobile phone] you see what I mean, because we filled their criteria, and we were probably a good investment in terms of the jobs we created (Neville Hampton, Co-owner of the StarBar and Prayer, 29/2/00).*

However, this process had been problematic for the owners of the Mango, who were unable to access SCCL funding because they had no match funding, which, as was seen in the previous chapter, was relatively high. The owners of the Mango did not understand fully the implications of the technical regulations of the application process, and, alongside

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<sup>8</sup> Hampton is one of two brothers who are (or were, in the case of the brother) the cornerstone of Star Bar Ltd. It is rumoured locally that they are ex-stockbrokers and public school, but it is unclear if this is the case. One club owner mentioned that a friend of his was their tutor at Eton (Michael Oswald, Owner of the Southsider, 9/12/99).

police intervention, lost the venue as a result. The loss of the venue was symbolic, in the sense that, although people may not have gone there and there was nothing special taking place there in terms of cultural enterprise, it was seen as a key element of the West Indian ‘community’. Keith, for example, of the SCCL Board described what had happened at this venue as “provocative” because of the symbolic importance of the space (Richard Keith, Small (Black) Business Forum SCCL, 20/10/99).

It was also the case that local people and board members of SCCL were suspicious as to how the syndicate had been able to access the funding. For example, David Worth commented on the “odd relationship” the syndicate had with SCCL (Deputy Chief Executive SCCL, 22/6/99). Drake (from the SCCL board) said that there had been rumours about them “knowing councillors” (Martina Drake, Small (Black) Business Forum SCCL, 30/9/99). Both Ellison (ex-Borough Council Planning Officer, 10/12/99) and Keith (Small (Black) Business Forum SCCL, 20/10/99) commented on the ‘missing money factor’, in other words, no-one could work out where it had gone. As already stated, formally it had been for external façade work, but even Hampton said that the funding they had received over a year had gone into building an extension and a beer garden, and into cleaning the building up (Neville Hampton, Co-owner of the StarBar and Prayer, 29/2/0029/2/00).

However, Fleming (Jonathan Fleming, representative of large retailers and SCCL ordinary board member, 4/8/99) said that the rumours were about “jealousy” in relation to their success, while James (Henrietta James, Chief Executive SCCL 10/9/99) said that the deal had nothing to do with SCCL but was organised by the council. However, a group of three white residents I met at a local meeting (4/12/99<sup>9</sup>) said that the Mango had been raided by

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<sup>9</sup> As will be explored to in Chapters Six and Seven, this was an anti-drugs meeting organised through the Town Centre Forum.

armed guards and closed, and that its closure had been about the desire to cleanse the area of 'black culture'. The police cared about dealing while it had been a black space, but not now it was a white one. Concerns were also echoed by SCCL board members, as they had not known about the funding until the opening night (Richard Keith, Small (Black) Business Forum SCCL, 20/10/99). Ellison, however, described this process of change as inevitable. The rules of the locality were changing and individuals would have to conform. Nevertheless, he also noted the element of suspicion that hung around the StarBar syndicate:

*Its funny, because when Jake lost it he would sit in the Raging Horse and talk about the old times, he would sit there drinking rum and drinking beers and just talk about the old days. And I could see a broken man. Here was this place that he'd lost, and it was a part of him in a way, and it had been lost through some funny goings on. But the hard facts are, that the issue of modernisation had to come, and it was resisted, due to, how can I put it, due to..well, it had to come, and they had to accept it, y'know, but it was the way it came about, as you said, there are bits of mud that stick to the whole syndicate that run it right now, y'know. But um it was just that it was an important part of the local tapestry, and it is that reason in a way. It was the front line, and now, what's happened to the front line, its no longer the front line anymore (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99).*

The problems faced by local people in accessing SCCL funding and support were not isolated to this example. Thai Heaven, although it was claimed as a key success story by SCCL, had difficulty in accessing financing from the Board. The owner of a local Thai restaurant originally bid for £60,000 of SCCL funding after coming to an agreement over a new, larger space situated underneath the Roxy cinema. It was refused on the basis that his match funding was in the form of a bank loan, which was itself mutually dependent on accessing SCCL funding. Although the Roxy had been sold on the basis of SCCL funding for renovation, the restaurateur could not access funding because of the way the loan had

been negotiated. Peter O'Brien, however, the former owner of the Roxy, became a partner and invested separate finance (which was money borrowed from his family and a bank loan based in that capital). After he had put in a new application, and after various arguments on SCCL which lasted for two years (Martina Drake, Small (Black) Business Forum SCCL, 30/9/99), the funding was granted (O'Brien 1/2/00). The problem was explained by O'Brien as a failure of the organisation to help people with the application process. Naturally, some applicants, having the right education and training, could manage the application process. However, it was clear that some could not, and they could have lost out as a result. As O'Brien put it:

*...he had all the right credentials to get that grant, but he needed help with presentation, just gathering together all the various elements. He qualified, or let's put in another way, the project qualified. Um, but they had no structure by which somebody making an application was given any help. I think that was a major problem for a lot of um for a lot of businesses in this area (Peter O'Brien, Co-owner of Thair Heaven and the Zebra, 1/2/00).*

These two examples were key because the players involved became the predominant economic drivers in the locality. In the case of the StarBar, the owners developed upwards and outwards. They opened up two new floors of the StarBar a few years after opening (spaces previously only reserved for private parties). They also expanded outwards. The first conquest was to take over the management of a 1000 capacity venue that had been renovated with SCCL funding as a theatre. This venue was turned into a club, called Prayer, in 1998 (Field notes 1998). They also took over another local bar in 2000, and were in negotiations to take over a third (see Chapter Seven). Hence the syndicate did well out of SCCL funding and became one of three night space monopolies. O'Brien, co-owner of Thai Heaven, also took over another bar (although initially it was unsuccessful until he went into partnership with Nigel George, a black businessman and previous manager of the theatre

that Prayer now occupied). The Thai Heaven and the Zebra partnerships were key because in a more conscious fashion they went against the tide of white tourist culture to provide spaces where reasonably affluent black people would feel comfortable, and may indicate possible alternative futures for Southview if circumstances (such as those explored in Chapters Six and Seven concerned with licensing) change. The third key players were the owners of the Dome and Dome Bar. As explored in Chapter Three, they were a long-standing partnership that, being of a more 'indie' tradition, professed a lack of interest in black culture locally, and claimed they very much evolved as separate from it (Sarah Waites, John Peterson, Owners of the Dome, 28/5/99). From meeting council hostility in the 1980s, as illustrated in Chapter Three, they had since fostered good relations with local councillors in the 1990s, a network that they used to discuss the importance of the night-time economy as an economic driver (John Peterson, Co-owner of the Dome, 11/5/00). They attempted to integrate the promotion of entertainment provision by funding a local map of venues and events (costing £8000)<sup>10</sup>. They were also keen property developers (Sarah Waites, Co-owner of the Dome, 11/5/00), and their entrepreneurial stance<sup>11</sup> locally provided a key spur to local deregulation, as will be seen in the next chapter. A local organisation of night venue owners was also set up for a short period, which served as a lobbying group for the key players described (Neville Hampton, Co-owner of the StarBar and Prayer 29/02/00, Peterson, Co-owner of the Dome, 11/5/00).

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<sup>10</sup> This was basically a map of the dominant entertainment venues already described, with a few additions such as two West Indian eateries.

<sup>11</sup> Peterson, for example, was quoted in a local paper as saying that "The poor will be pushed out [of Southview] because they will have no need to be this central" (John Peterson, Co-owner of the Dome, 28/5/99)

Although the SCCL project as a whole was limited, it did, as already outlined in Chapter Four and this chapter, play a role in altering key relations in the locality. Ideologically, this was often represented as a feeling of inevitability with regard to social and cultural change – the old and outdated versus the new or what can be represented as the irrepressible onset of commodified relations. For example, O'Brien claimed that he had a "much bigger belief in the profit principle" these days, and this was connected to a growing feeling of "obligations" (Co-owner of Thai Heaven and the Zebra, 1/2/00). Both Oswald (Owner of the Southsider, 9/12/99) and Peterson (John Peterson, Co-owner of the Dome, 11/5/00) said that they thought that Southview should be a "playground", and in fact historically (before post-war immigration) had been a "playground of the middle-classes" (Michael Oswald, Owner of the Southsider, 9/12/99). On SSCL, there were differing reactions to the issue of gentrification, as explored in the previous chapter. Some members of the board expressed concern about the problem of rising house and other prices, but nevertheless they felt that there was nothing else that could be done. Change was inevitable and that in a sense 'gentrification' was the only desirable option (David Worth, Deputy Chief Executive SCCL 22/6/99, Johathan Fleming, representative of large retailers and SCCL ordinary board member 4/8/99, James Hatton, large business representative and Chair of SCCL 12/10/99, Henrietta James, Chief Executive SCCL 10/9/99). Others, however, questioned the degree of aggressiveness in this strategy (Richard Keith, Small (Black) Business Forum SCCL, 20/10/99, Martina Drake, Small (Black) Business Forum SCCL, 30/9/99).

However, the conflict regarding this change not only occurred on SCCL, but was also reflected in some sections of the population. As already explored in this chapter and Chapter Four, a month after its opening, in December 1995, the StarBar was burned down and looted in a mini-'riot', and was frequently after this daubed with graffiti accusing it of

being a racist venue. Although not everyone interviewed agreed that this was an expression of social conflict<sup>12</sup>, the targetting of the StarBar was specific and according to some accounts<sup>13</sup> politically motivated. Hence SCCL was regarded as a key moment of change, and it was the way in which funding programmes had been organised which seemed to account for that change. Of course, in relation to nightlife other factors were significant, such as police activity (see Chapter Seven). However, SCCL did enact some important local changes. It made it clear that the old relations were not going to be continued, and this was clearly illustrated in the case of the Mango. The StarBar in its new form became a key attraction for a particular clientele, which will be explored later in this chapter.

However, it could not fully account for the direction and speed of change in cultural orientation. What is also central is the way in which, like all areas of London, a new incoming generation of middle-class professionals, spurred by the availability of work and the cultural attraction to the inner city which had been a major element in popular culture since the 1970s, shaped the landscape of the locality. The evolution and consequences of this are explored in the remainder of this chapter.

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<sup>12</sup> Sarah Turner, (Tenants Forum SCCL, 28/7/99) for example, argued that it was simply crime – an excuse to rob. Moreover, that the working-class are easily stirred to commit acts of violence and they were simply being stirred by the middle-classes.

<sup>13</sup> I spoke to some of those involved, and rumours had been flying round beforehand about the venue. Moreover, Keith discussed how, a few days before the riot, he had heard discussions taking place locally that were extremely resentful of SCCL (Richard Keith, Small (Black) Business Forum SCCL, 20/10/99).

## THE SPATIALITY OF SOCIAL DIFFERENTIATION IN THE NIGHT-TIME ECONOMY

As illustrated in the introduction, any attempt to specify population and cultural trends in a locality should be made with caution. The observations explored below derive from interview data, and the local area and nightlife ethnography as outlined in Chapter Two. This section will attempt to explore two issues that arise from these data and which impacted upon the development of nightlife in the locality. First, the way in which different populations are spatially differentiated in forms of socio-cultural activity. Second, how the ‘frisson’ of Southview produces a contradictory reaction in incoming populations, one of both fascination and fear. On the one hand, the diversity, the history, and the ‘deviance’ of the locality are a source of attraction for these incomers, as exemplified by the discourses that abound, the representations of the area, and its use as a form of subcultural capital (Thornton 1995). On the other, people exhibit ‘avoidance’ strategies, which would appear to indicate a night level of fearfulness of areas and populations.

### Spatial differentiation in socio-cultural activity

It is very difficult to categorise social groupings in contemporary London, and Southview itself is a melange of class and ethnic groupings involved in many different types of occupation, as the most recent census information available along with studies by SCCL suggests (SCCL Impact Project 1994, SCCL Final Report 1999). Such information has been noted in Chapter Three. Nevertheless, there are a number of distinct observations as to the differing populations that emerged from the ethnography. In particular, this relates to



the way that two distinct social groupings, that of the black or working-class populations and young white professionals in their twenties, interact in Southview.

During the three month period in which I was living in Southview in 1998, I was able to observe that in terms of population movements, the black and working-class populations generally seem also to exist in a different time and spatial zone from the young white professionals. For example, on Saturday mornings throughout this period the centre would be dominated with an older black population who did their shopping, hung around the streets, and on occasion old women could be seen dancing to reggae outside a shop. In essence, it looked much as Southview had looked ten years ago. However, by 2 to 3pm, the appearance would be altered, when a mass of what appeared to be 18 to 30 year olds could be seen streaming down from the rental areas to occupy the bars and cafes for long afternoon sessions. Moreover, the restaurants and up-market cafes in the centre would be occupied by older middle-class residents and visitors (for example, one Pizzeria in the indoor market would be crowded by such people, whilst the poorer sections of the population drifted by).

At night in the street, the centre seems dominated by two social groupings: older, seemingly bedraggled black men hanging around the streets or a mixture of drug dealers and taxi drivers in the central areas, and young white people in 'fleeces' or anoraks (Field notes, February to December 1999).

In terms of the internal spaces of the night-time economy, visited as part of the ethnography (outlined in Chapter Two), the situation seems stark. On one level, it is fairly obvious who is there to work and who is there to be entertained. Apart from management, DJs and bar

staff (which tend in the former case to be white and in the latter to be more mixed but must be distinctively good-looking and have ‘designer’ appeal), the staff are black. All security staff in the area are black (which is not to say that this isn’t to the agreement of all concerned), and poignantly, older black female staff were employed in the female toilets to hand out toilet paper and perfume. They seemed to have no-where to put themselves or sit, and in general it appeared to be a cheap exercise aimed at creating an ‘up-market’ ambience, as one diary entry describes in relation to Prayer:

The toilets were small and badly put together. Despite this, they had employed an extremely tired looking (she almost kept nodding off) black woman in her 50s to hand out paper towels for the punters to dry hands with. She was sitting perched on the wash hand basin unit amidst a scattered array of cheap perfumes, hand lotion and chewing gum and lollipops next to which there was a plate of tips with about £10 in it. And this was a benefit gig supposedly against violence to black communities, called Resistance (Field notes, 14/5/99).

There are a few venues that still cater for a predominantly black, particularly male, audience. One of these is a small bar attached to the Dome, called the Dome Bar, which plays soul and funk and attracts a smartly dressed mainly black male crowd<sup>14</sup>. The Dome itself on occasion holds black cultural evenings (which in one case was organised by a posse from Brooklyn, New York) and under 18s nights<sup>15</sup>. As illustrated previously, another venue is the Zebra<sup>16</sup>, jointly owned by Peter O’Brien of Thai Heaven and Nigel George, a black businessman and the only black ‘dance’ bar owner in the central area<sup>17</sup>. Thai

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<sup>14</sup> I attended this venue four times as part of the ethnography.

<sup>15</sup> I attended one of these nights, but also some of those involved were acquaintances.

<sup>16</sup> This was only set up last year. I have visited this venue three times in the research.

<sup>17</sup> George previously managed the space now occupied by Prayer in a nearby church renovated by SCCL funding, which was a comedy club turned occasional party venue. George encountered problems with the police, which will be explored in the next chapter.

Heaven<sup>18</sup> itself attracts an ethnically mixed crowd mainly due to its mixed restaurant/bar usage but both crowds exhibit a smartly dressed or 'moneyed' appearance. In a nearby sports hall a group of black promoters occasionally put on dub nights<sup>19</sup>, which are frequented by an older black crowd, but mainly the audience consists of more 'grunge' white youth<sup>20</sup>. Apart from this, in the centre, there are two public houses. One of these is thriving and owned by a black woman who is seen as 'responsible' by the local MET licensing officer<sup>21</sup> (Brian Walters, MET Licensing Officer, 12/10/00). The other is owned or managed by Winston Henry formally of the Mango, and is generally seen as an old men's pub<sup>22</sup>. During the period of my research, there was also a tendency for 'black pubs' to change ownership and become something entirely different. One other pub which was owned by a well-known West Indian figure was renovated into a dance bar and had been through one owner before being sold to the StarBar Ltd. (Brian Walters, MET Licensing Officer, 12/10/00). Another old Caribbean pub was closed and was in the process of being sold to StarBar Ltd (Brian Walters, MET Licensing Officer, 12/10/00, Neville Hampton, Co-owner of the StarBar and Prayer, 29/02/00) before being compulsorily purchased by the council. In effect, therefore, there was only one black owned pub in the centre (an observation confirmed by Nigel George, Co-owner of the Zebra, 17/5/00), before the Zebra was renovated.

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<sup>18</sup> Which I visited five times during the research period but also used as a daytime 'hangout'.

<sup>19</sup> Which again are treated by suspicion by the local MET licensing officer (Brian Walters, MET Licensing Officer, 12/10/00)

<sup>20</sup> I attended two of these nights as part of the ethnography, although posters for this are frequently displayed around the locality and beyond.

<sup>21</sup> This was a regular (weekly) 'hangout' during the summer of 1998.

<sup>22</sup> And it is unclear as to whether it is still owned by Henry. I did not go into this venue at all but only observed it although there was no particular reason why I did not.

Apart from this, the centre is dominated by a night entertainment targetted at white youth and the white middle-classes. Ironically, whilst residents (even new residents) tend to frequent local bars and public houses<sup>23</sup>, it is the 'tourist' or incoming element which tends to go to the dance bars and clubs in the centre. The 1000 capacity Dome held two key nights during the period of field research, one which was Friday night trance (attracting a more well-dressed pill-taking student crowd), and the other a Saturday night mainstream house night which attracted a white working-class, beer drinking crowd. There were occasional variations with the odd revival gay night. Prayer, again in the period of the field research, mainly put on crowded<sup>24</sup> white rap/hip hop nights, which, whilst indicative of more cross-over forms, attracted a mainly student or anorak-wearing crowd (signifiers of being a music collector, DJ, or otherwise involved in cultural industries or the media). A memorable moment was witnessing one young woman who was stomping angrily up and down the crowded corridor muttering "this place is shit", a point confirmed by several locals who claimed they thought the place was "crap" (Field notes 14/5/99). Underneath Prayer are two venues; one, an up-market restaurant decorated in gothic style, the other, a dance bar/club which is reasonably priced and tends to be more mixed, although still predominantly white. The music, however, tends to the '70s and '80s revival of disco or funk, with occasional live performances. Club 99 is now a trance club, which again attracts a more alternative trance crowd. The StarBar is a three-floored venue, and attracts again a predominantly white crowd similar to Prayer, and normally packed to over-capacity. The Southsider, although owned by the deliberately 'up-market orientated' black businessman,

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<sup>23</sup> Of which there are three that are particularly popular with residents. One, in the central area, is Irish owned and tends to be dominated by an older crowd, mainly public sector workers. The other two are bars just out of the central area and one of these caters for a students or grunge crowd, whilst the other is more 'young-professional' and is crowded at weekends both inside and in the large external garden.

<sup>24</sup> Due to there being no apparent door policy.

Oswald, which also tends to attract an older white crowd<sup>25</sup>. Other venues include a 'hardcore' gay club in a secluded office building, and a number of undifferentiated public houses, including some chains (Field notes February to December 1999).

From 1999 onwards, the dance bar phenomenon had spread to the radial roads and periphery, with at least eight public houses (those known about and visited during the period of field research) being converted. In the main, these were copy-cat venues based on the StarBar, although one attempted a more lounge ('chill-out lounge') bar feel, and another became a salsa club. All of these attracted a white student or professional audience (particularly in the case of the bars). Indeed, in one recent visit to Southview (April 2001, after the field research period) it was not possible to avoid the number of promoters handing out fliers at 12pm in the centre, attempting to attract punters to venues outside of the centre. The few Jamaican public houses around the periphery that remained seemed more entrenched than previously. For example, one venue that previously had a reputation for lively and mixed reggae nights seemed more tense by the time I visited it in 1998. Although it was only 10pm, the pub was deserted, and after we'd brought drinks and sat down, the bar man and two of his friends put on a pop tune and turned the volume up loudly, spoke exaggerated patois and hovered around the table. It was clear they wanted us to leave, although it was unclear why. Possibly they simply wanted to close and go home, or were having a private gathering. What was significant, however, was the emptiness of the place relative to venues in the centre and even the designer bar over the road (Field notes 15/12/99). In another black owned venue in the periphery, the management put on a night organised by the Brooklyn posse, with poetry and music and two floors conspicuously designed as a night in the 'ghetto'. For a potentially interesting cultural

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<sup>25</sup> Although the venue holds a number of private parties which may be of a different quality.

evening, however, the club was deserted (with around 20-30 people only including the artists) (Field notes 4/7/99). There are other nights in the periphery, for example, a salsa club in which the clientele are older, racially mixed and seem to know each other, and a 'Garage' club which again was majority black attended (but which lay outside the licensing district for Southview). In addition, although I did not attend these, there are older men's illegal drinking venues, which the police know about and monitor (Brian Walters, MET Licensing Officer 12/10/00).

Although then there are venues that cater for particularly well-dressed, more up-market black audiences, in the main the type of venues on offer attract a young white student or professional crowd in their twenties. One issue that is hard to assess is the distribution of residents to 'tourists' in relation to the use of the night-time economy. As far as is observable and from accounts of respondents I spoke to, residents will use the bars and restaurants but tend to avoid the dance bars or clubs, although this attitude may be confined to a late twenties and older crowd. As for the clubs and dance bars, many young people can be seen coming in on the train and bus, observed during visits to the area at night. Indeed, one documentary filmed at Prayer interviewed a series of young people who had come from Kent (October 1998).

From the ethnography conducted in Southview and from accounts relayed by respondents, the night-time economy does seem to be socially segregated between the social groups described, although there are exceptions to this, as described. It would require an additional study to examine the causes of this beyond what this research was capable of, yet it seems an important point to note in terms of outlining the cultural landscape of Southview as it is spatially expressed in the 'night-time economy'. The reasons for such segregation are hard

to ascertain, but Thomas (2000), in a study of Butetown, Cardiff, suggested that people regulate their access to certain spaces. Such regulation, he suggests, is related to a sense of having the right, legal or customary, to use certain places and do certain things, and feeling ill at ease in particular spaces (Thomas 2000: 35), an analysis echoed by Back, Crabbe and Solomos (2001). It is possible therefore that this is what is occurring in Southview, although for the purposes of this thesis it is purely speculative. Such issues, however, do relate to an apparent contradiction outlined in the introduction to this section, and that is that Southview as an area seems to inspire both ‘fear’ and ‘fascination’ in the incoming young professional crowd. The section following will explore this further.

#### The contradictory impulse of desire and fear: exploring the nature of the ‘frisson’

Again, attempting to access the contradictory way in which Southview is seen by clubs owners, regeneration agencies and clientele is a difficult process to access, yet some important observations need to be made. The 1981 uprising and its aftermath appears to have had a dual cultural impact in the media and everyday consciousness. On the one hand, the police and the media pursue lurid stories about rising crime rates and the criminal ‘frisson’, and as such, Southview seems to have been ‘permanently problematised’ as a criminal area. This was examined in Chapter Three. On the other, Southview has a distinct reputation as a ‘cool’ area. What follows is an attempt to shed light on this contradiction in relation to the night-time economy, although much remains to be investigated on this subject.

During the ethnography, I would always attempt to ask people why they wanted to move to Southview or what they thought of it in general. In reply, the common answer would

contain such elements as “it’s really friendly”, “it’s really chilled”, “you can talk to anybody”, along with a normal smattering of descriptions referring to Southview’s “mixed”, “cosmopolitan” and “vibrant” character. Indeed, it became a fairly common experience to be accompanied by friends on an evening out and to hear them loudly proclaim throughout the streets that they’ve never experienced such a diverse mix of people. To all intents and purposes, it seems that new arrivals can experience something approaching a ‘bohemian’ lifestyle in its somewhat superficial trappings, and feel that the general experience of ‘tension’ and ‘crime’ is a challenge - something to learn from. In one case, for example, an individual who worked locally in a bar decided to chase a snatcher who had stolen his wallet, and, because the items were only personal, decided to reason with him. He was stabbed and killed. This proved to be a pragmatic learning experience at subsequent social events (Local press report 28/7/00 & Field notes Aug 2000). For those people I spoke to, who were not just UK citizens but also from Europe and Australia, it seemed as if living with the difficulties was a ‘coming of age’ experience and central to the acquisition of subcultural capital.

The ‘frisson’ of Southview, as Sarah Turner (Tenants Forum SCCL, 28/7/99) referred to it cynically<sup>26</sup>, is also a key element of local design imagery. In the national media, for example, it is not possible to read a review of a local restaurant or bar without some reference to the journalists negotiation of local danger. Indeed, the regeneration of Southview itself has encouraged media attention. In four visits to nightclubs in the area, a

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<sup>26</sup> She argued that middle-class people want to keep Southview the way it is because it gives them the ‘edge’. Also, its reputation is seen to bring in funding. She argued that if it didn’t have that reputation all it would ever be would be a bunch of poor people (Tenants Forum SCCL, 28/7/99).



film crew was present recording the proceedings (Field notes February to December 1999). It goes further than this, however, in the sense that an atmosphere of 'illegality' or the culture of 'ducking and diving' is self-consciously promoted. Whilst waiting for Neville Hampton at the StarBar, for example, I observed that various tables were taken up with some form of negotiation and deal making. Indeed, according to a respondent, this was the way in which the owners were able to have a measure of legitimacy when it first opened. Through networking, deal-making, and private coke parties, the owners were able to attract some key local 'faces' around them, although it was not long before they were disposed of, either through design (being refused DJ slots) or through choice (by seeing through the strategy) (Resident 29/8/99). In another case, at a designer bar called Traffic in a periphery road, an visual addition to a drum n' bass night was a series of projections of 'street' images (dirt, dealings and graffiti). The venue itself was contrived to look 'edgy'. The outside was painted black with black blinds over the windows and neon lights lined each side of the windows, giving the appearance of a sex shop.

Conversely, however, from observations concerning the movement of people at night-time, it appears that there is a strong consciousness of where the young clubbers want to go and where they do not. In some ways, it reflects a division between the centre and the periphery, although this is not true of all radial roads. In the main, incomers stay in the centre, and do not drift for the most part beyond certain points. To the south, there tends to be more drift due to the existence now of several dance bars and a critical mass of young people can be seen there. Also, there tends in the south to be a larger population of terraced housing and the local estate is smaller. To the north, although there are very few venues, the area is also more residential and closer to central London (and despite the existence of copious amounts of public housing, has always been affluent). It is to the east and west that

the main difficulties seem to emerge. In the west, for example, the road generally has a desolate feel with a lower volume of the population out on the streets. Several Portuguese restaurants and coffee houses cater to a local population. The concert venue is at the mouth of this road, and beyond this several venues have attempted to set up bars, although only one specifically designed to cater to a rave crowd. Opened in 1998, the bar was cheaply renovated and the interior smelled of stale beer. Despite carrying the usual markers of white youth orientated venues, the place when visited on late on a Saturday night, was empty, much like the streets outside (Field notes February to December 1999).

To the east, a similar problem occurs. The StarBar, lying on the former front line, is the last points of crowding for the entertainment population. About a half a mile down the road lies the bar designed like a sex shop<sup>27</sup>, and another club owned by the Club 99 partnership. In between this, however, lie a couple of public houses catering for an old black clientele, second hand shops and fast food joints. What is interesting about this area is that it is mainly populated by old Afro-Caribbean men hanging about on the street, and very few others venture down there. Indeed, one interviewee claimed that, as a white middle-aged man, he would never walk into this area (Simon Morden, Director of Southview Crime Prevention Forum, 19/7/99).

This unconscious or semi-conscious replication of spatial segregation is not lost on local people. Nigel George, co-owner of the Zebra, for example, commented cynically that Southview was becoming like a 'safari-park', where white tourists scuttle from one venue to the next in their taxis, whilst looking out at the dangerous beasts outside. In response to

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<sup>27</sup> It is interesting to note that in 2001 this bar was closed, although it is unknown why.

the statutory requirement to conduct a local Crime Audit<sup>28</sup>, debates have raged in the council and the press directed at clearing out the street preachers (particularly the black separatist Hand of God), the beggars, the tube ticket touts and the street drinkers, because people find them ‘intimidating’ (according to the council officer in charge of the local crime audit, Ella May 9/6/99, and Simon Morden, Director of Southview Crime Prevention Forum, 19/7/99). Debates also rage about the number of street dealers in the centre. A local betting shop which I was at the time living above, housed inside and out a number of Afro-Caribbean men in their 50s and 60s who sold small stashes of cannabis. Although friendly and a local fixture, the police raided them a couple of times as a result of a complaint from someone living nearby (July 1998 & 5/9/98). Eventually, the betting shop was closed. In another more personal example, my own flatmate was reported to the council’s ‘noise nuisance’ service by a young couple who lived upstairs (Field notes, 8/98).

There is also seemingly a conflict between the style and attitudes of the ‘new generation’ of young professionals compared to older generations, referred to in the examples above. One club owner, Peter O’Brien, who of course had been around since the mid 1970s, said that the early generation of incomers made an effort to understand and attempt at least to relate to the existing black population. According to other accounts, however, this cannot be said about the new generation of incomers. Butler’s (2001) study of attitudes in Southview found that many of the older generation were dismayed by the willingness of the younger to report matters to the police and other authorities. Richard Keith, of SCCL and the Small Business Forum, commented on how he found people ‘arrogant’ now in Southview, compared to its more ‘laid back’ past (20/10/99).

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<sup>28</sup> A provision of the Crime and Disorder Act 1998 which in Southview only produced about a 1000 replies.

For the long-standing residents that I spoke to during the research, although seemingly exhausted by the difficulties many of them faced in the area, also attempted to negotiate around it. For example, at a private residents meeting on drugs (4/12/99), whilst some of the reactions tended towards the authoritarian on all drugs, the liberal consensus held sway in that it was felt that only harder drugs (crack and heroin) should be targetted. Whilst in some ways this illustrates the class divide of drug use, represented in the hard versus recreational categories, it also reflects local desire to accommodate in some way to the 'alternative' nature of local culture<sup>29</sup>. Also, at local resident and partnership forum meetings, residents expressed hostility towards the newly emerged night-time economy. Although often taking the form of being anti-noise and nuisance (see Chapter Six), it is also the case that an element of this is a resentment at the way in which the locality is being used for the purposes of tourism and a suspicion of 'gentrification' - particularly in its racialised form. Carol Underhill, the Town Centre Manager, said that most of the people who complained were in their 30s with children and couldn't afford to go out to venues in the NTE. This, she argued, caused resentment, saying that "it's actually about wealth slapped in peoples faces who haven't had anything" (Carol Underhill, Town Centre Forum Manager, 4/2/00).

The debate, as seen, also intersects with complaints of racial exclusion. As I was looking through the black history section of a local library, for example, a old black woman came up to me and questioned me why I was interested in such topics. I replied that I was

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<sup>29</sup> Although, however, the class divide is demonstrated in different ways. It is ironic, for example, that, as shall be seen in Chapters Six and Seven, many night cafes and venues were and are, held to account for allowing dealing on their premises, two hash cafes frequented by the young middle-class are apparently allowed to operate uninterrupted, apart from one who was held to account for selling alcohol, according to the proprietor (Field notes 17/2/98).

interested in the history of Southview, to which she said that “there weren’t many of us left, we’ve all been thrown out” (Field notes 28/5/99). One letter already mentioned in the local press complained that a pub had been turned into a dance bar and the extent to which they were allowed to make noise and nuisance: “Can you imagine a back street bar filled with young black men and women getting away with so much leeway” (Local press 5/11/99). At a pro-cannabis meeting in the centre, four people told me that they had come to the meeting because they were “against what’s happening in Southview” (Field notes 25/2/99).

Seemingly, there is an undercurrent of resentment against, as one respondent put it, the “early twenties, middle-class, ‘spaced’ (as in the TV series), drug culture aesthetic, low-income fabulous, anorak wearing, provincial innocents, black culturally illiterate” (Local resident 29/8/99) section of incomers, whether residents or ‘tourists’.

More recently, local council documentation has attempted to promote the contradictory nature of Southview, which has been substantially aided by the experiences of the New Town Centre Manager and her close connection with a number of local residents in the local Forum. This new tone seems to emphasise the chaotic and tolerant nature of Southview. For example, in a recent publication, is claimed that the spirit of Southview was to be found in the ‘street preaching, the noise, the kamikaze pedestrians, the traffic – this is the identity of the Southview area, love it hate it.’ (Southview Borough Council Environmental Directorate 1999/2000: 10).

However, for venue owners, whilst many of the longer term operators expressed a ‘tolerant’ attitude towards the contradictions of Southview described, they also confirmed that crime and the areas ‘reputation’ were a problem for their businesses. Indeed, there would appear to be a strong connection between the way that the venues were designed and promoted and

the type of clientele aimed at. This is also an issue of licensing, as will be illustrated in Chapter Seven. However, it seems to be fairly clear that different styles of venues ‘appellate’ (Althusser 1971) to particular groups, and, moreover, that this is in the context of Southview ethnically distinct – an exclusivity of culture. An example of this can be found in comparing the stylistics of two venues, the StarBar and the Zebra. The former attracts a mainly young white audience who express the ‘low-income fabulous’ description referred to above. The music is generally either rap, house or trip hop, the design is that of modern dance bars – bright colours, old wooden tables and a general ‘grubbiness’, and the culture is non-communicative and based around beer and cocaine. The latter, the Zebra, attracts in the main, although not exclusively, a black well-dressed, up-market audience. This may be accounted for by the fact that one of the partners is black, but also the surroundings are cream, elements of a dull orange with standard wooden tables and chairs – a ‘designed look’ combined with portraits of key black figures on the walls.

The attempt to design venues to attract certain crowds is deliberate, and in one way or another venue owners are conscious of its effects. There are two examples in which this sentiment was particularly demonstrated, and that was in the case of Hampton from the Star Bar versus O’Brien from Thai Heaven/Zebra. In the case of the former, O’Brien commented on the fact that Hampton “has no interest in pulling in a large black crowd to... I don’t know if he thinks they are sufficiently catered for elsewhere or not, he’s just got no interest” (O’Brien, Co-owner of Thai Heaven and the Zebra, 1/2/00). Hampton himself claims that he aims at what he calls a “beach type, slightly alternative but also quite mainstream audience” and is looking for more bars to open up in the area rather than the existing retail, which he regarded as ‘tired’:

*I would like more shops like you get in Soho and in Shoreditch, trendy, sort of....Southview is full of these butchers and things. They've got a million butchers here. I don't know... why these guys eat so much meat (Neville Hampton, Co-owner of the Starbar and Prayer, 29/2/00).*

O'Brien, however, is looking to actively cater for a black audience. He described how he thought that Southview was the most “cosmopolitan” area he had lived in, with a potential for a “rainbow coalition”, and seeks to encourage such a mix in his venues, despite the fact that segregation does exist in Southview:

*There's a great mix in this restaurant – a great mix of people. It's something for me that is the norm, and it's something I try and encourage through style and whatever else. Umm... but to ignore the fact that there are still two communities in this area is foolish.. there are (O'Brien, Co-owner of Thai Heaven and the Zebra, 1/2/00).*

Indeed, we had an extended conversation at that time as to why the Zebra wasn't attracting custom. I suggested that the original blue and chrome décor wouldn't really attract the crowd he was looking for and he should do a re-fit. Some time after this, Nigel George became his partner and the décor and ambience was altered. Of course, such design strategies are not simply about attracting a certain crowd, but is also about excluding crowds deemed to be a social order problem. This will be explored more fully in Chapter Seven.

There tended to be disagreement from the venue owners as to how the locality affected their trade. One manager said that regardless of his club going fairly mainstream, “because of where we are, we're seen as kind of underground too” (Bob Hatchett, General Manager of the Dome, 24/2/99). Another owner said that she was happy with the ‘frisson’ of the locality, because it was distinct in its “multiculturalism” and “vibrancy” (Jane Marriot, Co-

owner of Club 99, 18/11/99). However, another felt that crime affected the area adversely (Michael Oswald, Owner of the Southsider, 9/12/99), and two others that Southview's reputation meant that people stayed away (Bob Hatchett, General Manager of the Dome, 24/2/99, Neville Hampton, Co-owner of StarBar and Prayer, 29/2/00). Hampton, in particular, felt that the reputation alienated a potential audience and that something needed to be changed:

*..you do get some guys who bring girls to Southview trying to impress them with how scary it is, but those guys are, that's outweighed by people coming from America who've got a view of Southview ten years out of date, from Edinburgh ten years of date, who won't come down because they think well its too far and too dangerous. So on balance, it's negative. I'm keen for that image to be turned around"* (Neville Hampton, Co-owner of the Starbar and Prayer 29/2/00).

Although such accounts in no way indicate the full range of cultural expression and attitudes in Southview, they are illustrative of an underlying conflict that is expressed spatially and culturally. The divisions are not only racial, but also concern attitudes of tolerance towards this maligned area and can be viewed to be also generational and class divided. However, although Southview (and London in general) offers no simple categorisations or clear predictors of attitudes and behaviour, many of the emerging conflicts and debates revolve around the form that regeneration has taken locally and the way in which the different elements of the 'night-time economy' position themselves in relation to it. Whilst a few of the long-standing operators (such as O'Brien and Marriot) situate themselves more self-consciously within a multicultural vision, many simply cater for a more select audience, often reflecting their personal preferences. The subjectivity of some of the key players and the way in which this interacts with social control will be explored more fully in Chapter Seven.



## CONCLUSION

As seen in this chapter and the previous chapter, SCCL was largely held to be responsible for the changes that have taken place locally, and it is this body that prompts the most interest in terms of ‘conspiratorial’ thinking. In terms of its actual impact, it did have an effect, as seen in the previous chapter, in terms of changing local culture in relation to funding programmes. Its strategy seemed to reflect the idea that Southview needed a different basis for its economic and social reproduction than that offered by the local black community. To some, this was felt to be deliberate, but it could also simply have been that SCCL ignored the greater needs (in terms of administrative support and advice) of black business and people. Thus, by default, it encouraged external business to the detriment of local business and the community sector.

The most visible aspect of change in Southview during the years of SCCL was the development of the night-time economy and the population that is attracted to it. As seen already, although this was claimed as a SCCL success after the event, and a few key entrepreneurs had been working in the locality for some time, nevertheless SCCL did have some impact. It provided funding and therefore a ‘guarantee’ to external investment and changed the ‘environment’ of economic and social reproduction. A key moment in this respect was the transfer of management of the Mango to the StarBar syndicate. The StarBar provided an outlet for a section of the population who were involved in cultural production for a period, but was also supported by SCCL funding and networks, and significantly, as will be discussed in Chapter Seven, the police. It provided a base from which the syndicate began to expand in Southview. It also provided a role model for other ‘under-capitalised,

youth orientated businesses', who began to set up in the area en masse from 1998 in particular. Lastly, the StarBar provoked local conflict to the extent to which a symbolic part of Southview, the Mango, had been taken away with the perceived 'collusion' of local agencies and the police. In essence, perhaps more than any other project, the StarBar represented the re-claiming of space promised by the Southview Report and the police, and symbolised the extent to which Southview itself was losing its recent historical role.

A key part of this sense of change was the altering nature of the local population that provided the cultural impetus for change but also expressed new forms of differentiation. Butler (2001) describes this differentiation as 'tectonic', the idea that vastly different populations co-exist peacefully in Southview. Again, it is hard to locate the precise nature of local relations, and indeed, they may be constantly subject to change. However, throughout the research, elements of conflict emerged of a complex and layered nature. In particular, the reactions appear to be a contradictory mix of attraction, usage in terms of the development of subcultural capital, and fear.

Economic and cultural forms of organisation have played a significant role in the process of social change in Southview, which has given rise to new forms of social differentiation in the night-time economy. This is not sufficient to explain the process of change however. The third and perhaps prior element is to explain how institutional subjectivities and practices in the process of legal regulation have shaped and reinforced the use of in Southview. It is to this that this thesis will now turn.

## CHAPTER SIX

### THE FORMAL PROCESS OF REGULATION AND THE NEW FORMS OF SOCIAL DIFFERENTIATION

Southview, as examined in Chapter Three, had become demonised in two ways. First, as a crime and riot torn area, and second, the idea that it was largely the black population, particularly young males, who were the source of the problem of criminality (Southview Report 1981, Lea and Young 1984, Solomos 1986, Gilroy 1987, Keith and Murji 1990). This had impacted upon the nightlife in the area in the sense that unregulated venues were located as a key social and spatial problem. In Chapters Four and Five, the way in which various regeneration strategies attempted to normalise relations in the locality, symbolised in the transformation of nightlife into the ‘night-time economy’, has been discussed. In the process of normalisation businesses and other activities that failed to meet those standards were marginalised. As also located in Chapters Three and Four, the police played a critical role in reclaiming unregulated or marginal spaces in their determination to prevent the development of ‘no go’ areas.

The way in which licensing law and practice operated, examined in this chapter and Chapter Seven, played a critical role in this process. There are two particular ways in which licensing encouraged the process of normalisation that emerged in the interviews with the key regulators in licensing and policing, as well as through the licensing minutes. On the one hand, licensing practice adapted to the mainstreaming of night culture. As the ‘night-time economy’ developed in the locality, the council in particular emphasised the importance of the business through: the development of ‘24-hour

licensing'; the standardisation of legal administration; the consideration of noise and nuisance as a balancing of interests between business and the community; and the diminishment of moral considerations of the category of 'fit and proper'. The evolution of these aspects of the normalisation process will be considered throughout this chapter. On the other hand, however, new ways of demarcating between licence applications have emerged as a consequence of the process of normalisation. In particular, the prioritising of the notion of 'licensee responsibility' is an issue that will be discussed throughout this chapter. Specifically, it will examine the way in which the prevalence of this concept and the way it has been interpreted had the impact of further inculcating and refining subjective and localised notions of acceptable and unacceptable behaviour and practices in the consideration of licence applications.

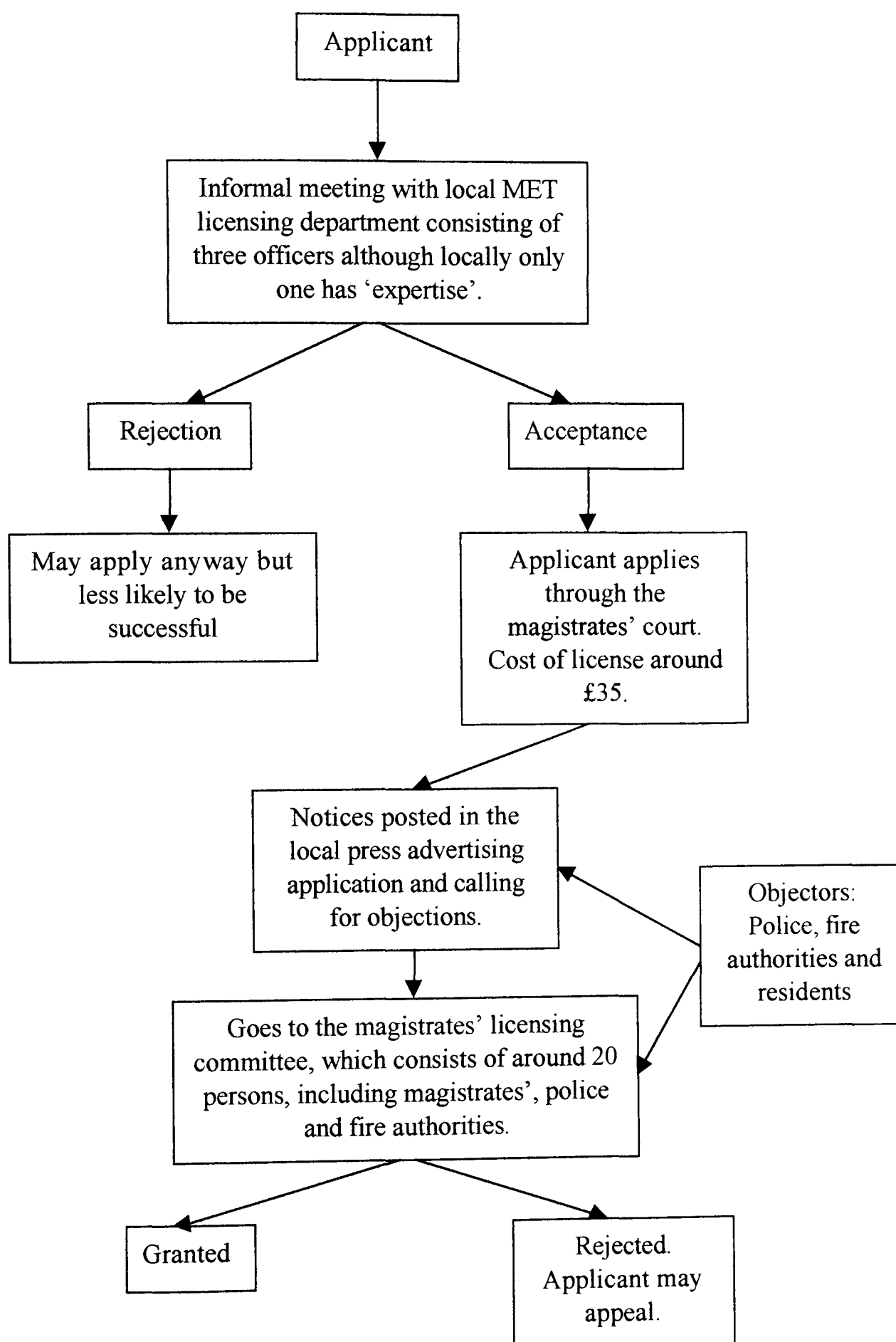
Underlying this 'formal' process of licensing which represents the transparent administrative procedure lies an informal one. In particular, it concerns the way the distribution of resources, and the importance of informal networks, relationships and policing methods have served to underpin the process of social differentiation. This is what Foucault understood to be the 'interstices' (1991: 85) of power, meaning that the operation of social control effectively lies beyond the transparent rules and procedures in the spaces between the formal elements of control. This will be the main subject of the following chapter, although issues raised there also emerge in this chapter.

As such, this chapter will begin by laying out the process of a licence application and the various institutions involved, before going on to examine three categories of licensing practice that emerged in the interviews and licensing minutes. First, the standardisation

of licensing practice will be considered. Second, the way in which the deregulation of hours occurred in the locality. The chapter will then move on to consider, thirdly, the complex ways in which new boundaries are being sought to categorise acceptable and unacceptable license applications. This will include a brief consideration of health and safety, followed by noise and nuisance, and lastly the way in which the category of 'fit and proper' person is being redefined will be examined.

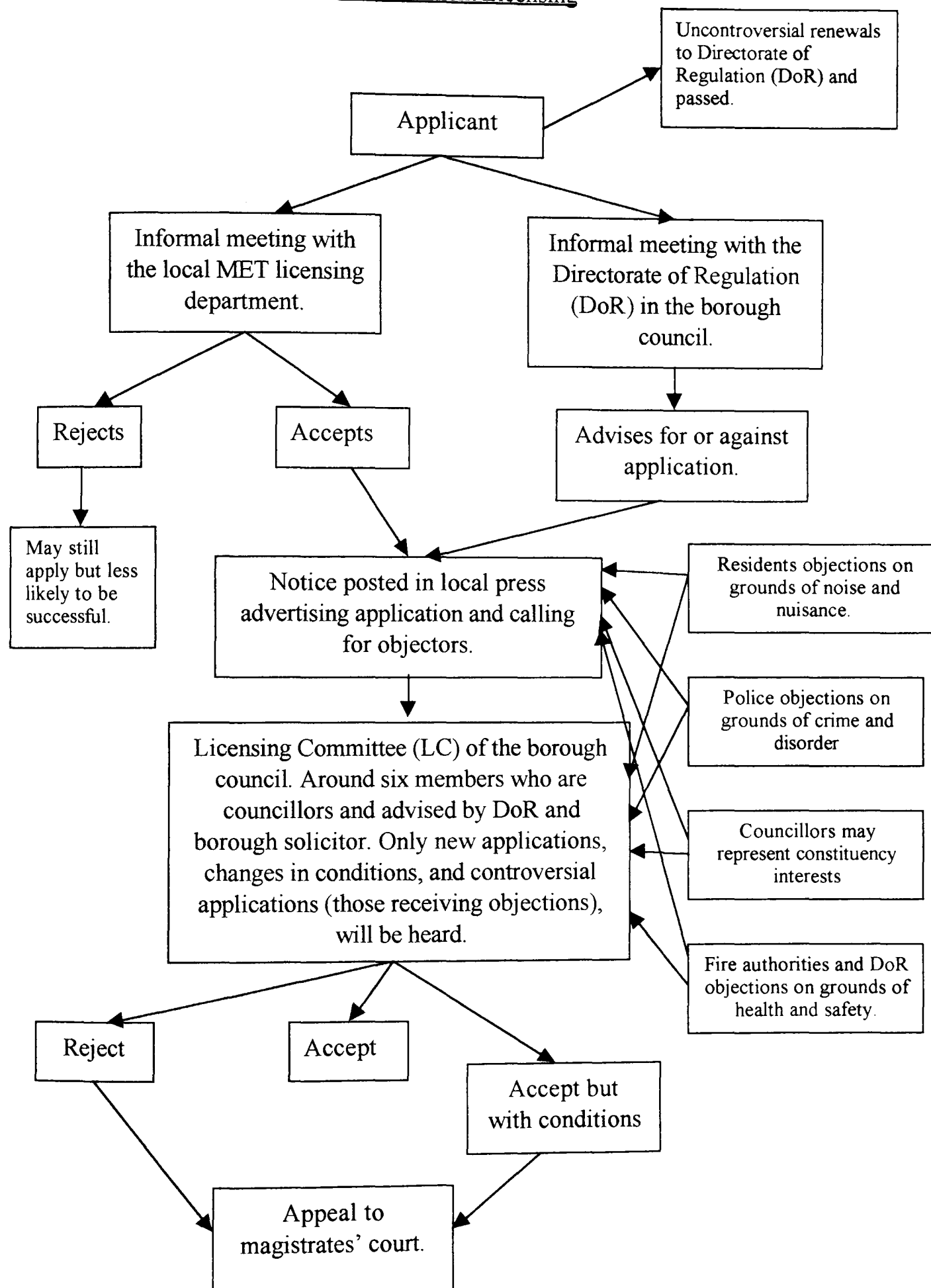
## THE ORGANISATION OF LICENSING IN SOUTHVIEW

As is the case nationally (Paterson's Licensing Acts 1999), licensing in Southview is divided into liquor and entertainment's licensing, with different administrative structures for each. The following illustrate the basic licensing process for each and the institutions and legal structures involved.

Liquor Licensing<sup>1</sup>

<sup>1</sup> See Chapter Two for the rationale for not focussing attention on the liquor licensing per se. This was partly a product of being denied access to court records, and the limitations of time dictated that spending time in court would not necessarily be fruitful. Also, however, given that it lay outside the borough and was less concerned with the control of spaces compared to entertainment's licensing, a decision was made to focus on entertainment's licensing as a more ideological and politically driven area.

# Entertainment Licensing



The division of labour between the police and the borough council is concerned with spheres of influence. While the council is largely concerned with noise and nuisance and health and safety, the police have sole responsibility for reporting crime and disorder concerns. The police oversee both liquor and entertainment licensing in the borough, which consist of 917 liquor licenses, 87 public entertainment licenses, 54 night cafes and 300 occasional licenses (Southview Borough Council Policy Committee 10/7/00). They also process details of any criminal record for potential applicants or door staff.

Having outlined broadly the process of a licensing application and institutional function, the following sections will examine the relevance of the process in terms of the way in which decisions are made.

## STANDARDISED ADMINISTRATION IN THE ENTERTAINMENT LICENSING FUNCTION

The administration of licensing in the borough is an issue that emerged in interviews as preoccupying participants both in the Directorate of Regulation (DoR) and the Licensing Committee (LC). This particularly accelerated in the period since the election of the Labour administration in 1997 when new procedural rules concerning accountability and transparency were introduced. For example, the Chair of the LC, Andrew Stevens, being a magistrate, was very keen to emphasise the ‘quasi-judicial’ nature of the committee through the interview, refusing often to comment on more



subjective considerations (Andrew Stevens, Chair of the LC and Labour Councillor, 25/11/99). This advocacy of the legalistic view was reinforced by the Deputy Chair:

*We have to be neutral in terms of our approach to licensing. We have to approach every application on its merits, umm...I believe that happens. You never get a stitch-up with licensing. As far as I know, no-one has ever been approached with a view to being asked favours or what have you..*(Stephen Rogers, Deputy Chair of the LC and Labour Councillor, 9/12/99).

This comment is interesting because it suggests an attention to issues of corruption.

Those officers of the council who had more long-term experience in the administration said that they felt that the system had moved gradually from an “ad hoc” system, where each council in London had its own rules, to one where the concept of “natural justice” and “reasonableness” were seen to apply (Andrew Wilson, Borough Solicitor 27/1/00, Colin Trace, Entertainment Licensing Officer, DoR, 22/2/99). This process was reinforced by London-wide regulations. Such regulations were connected particularly in interviews with councillors as resulting from issues of corruption. One interviewee, for example, said that LC members were no longer permitted to go to venues in Southview or associate with venue owners as an anti-corruption measure (Terrance O’Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, Labour Councillor, 10/11/99). Another councillor, who paid close attention to the licensing committee due to a desire to stop the growth of later licensing elsewhere in the borough and was a part of resident action (but not Southview), claimed that “off decisions” were being made at certain times and “question marks” surrounded “lesser officers”, particularly in the Planning Department (George Waldings, Conservative

Councillor, 1/12/99)<sup>2</sup>. Again, such claims are located in rumour and were unspecific.

However, the perception that something was going wrong in the borough, even if it was unknown as to who was to blame, had seemingly created an impetus for new regulations concerning conduct.

It was also the case that officers and committee members were keen to stress that decision making had to be free from moral or political judgements. They emphasised that the everyday practice of the DoR and the LC were dictated by legal rules only, as the following comments illustrate:

*We, as officers of the council, don't look on the morality of what the club is doing. You know, as long as they kept within the legislation relating to public entertainment, y'know, ours is not to make a moral judgement or to refute on the grounds of that moral judgement. I think a council or officers would be sailing on very thin ground if they maybe started refusing licenses because people have said, well, it would be a bit discriminatory if a person said, "we don't want a gay nightclub in the area.." (Colin Trace, Entertainment's Licensing Officer DoR, 22/2/99).*

*Basically, [I follow] the law. One of the things I learnt very quickly, and I impressed upon some of my colleagues, was to cut emotion out of it... Indeed, if you bow to someone who bursts into tears, uh, to uh, you know a wonderful piece of acting, uh um, you will make the most perverse decisions, um, so you rely on legal advice for that... (Terrance O'Leary, former Chair of the LC and current Chair of the Planning Committee, Labour Councillor, 10/11/99).*

In Wilson's view, this was a noticeable sharp change from previous practice in the late '80s and early '90s. In one case, for example, an applicant was turned down because, although he knew he needed to apply for a license, he had not bothered until a month later because no-one had asked him to apply for one. The LC turned him down on the

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<sup>2</sup> This referred to accusations of corruption that were noted in Chapter Three.

basis of not being a ‘fit and proper’ person to hold a license, a decision that was overturned in the magistrates’ court. As Wilson stated of this case:

*A lot of these things are a handle to hang your decision on. If they could have said unreasonable noise and nuisance, they would have picked that, but then again, it wasn’t a nuisance. They brought along noise readings and so they couldn’t pin it on that....In the old days it was worse, y’know. They would sum up an applicant when they came in (laughs). I think that’s just human nature, isn’t it, if they say “I don’t like what he has to say...” (Andrew Wilson, Borough Solicitor, 27/1/00).*

Although still looking for a way to reject the license application, greater attention was being paid here to the use of evidence rather than subjective interpretations – a means therefore to legitimise and justify a decision. Also, as illustrated by this case, an impetus for creating regularity in legal process was the fact that it was often the case that venue owners would resort to appeal more frequently. The fact that the council had lost cases frequently was referred to by a number of officers in so far as it acted as a restraining influence on decision making. Andrew Wilson, for example, wearily complained that magistrates “aren’t really interested in the general view of the borough. All they’re interested in is, is there any nuisance” and that “we’ve lost cases there” (Borough Solicitor, 27/1/00). O’Leary stated that, although councillors were influenced by the politics in the community, magistrates were not, and therefore as licensees had the right of appeal they had to have “some confidence that it [the decision] will stand up to scrutiny by magistrates” (former Chair of the LC and current Chair of the Planning Committee, Labour Councillor, 10/11/99).

In response to these problems, the LC and officers tended to take more preventative action. For example, letters would be written to applicants explaining the reasons for

certain decisions (Colin Trace, Entertainment Licensing Officer DoR, 24/5/00).

Interpreters would be provided for applicants whose English was not good, a point noted by one venue owner (Peter O'Brien, Co-owner Thai Heaven & Zebra 1/2/00). One councillor mentioned that the committee made attempts at mediation and liaison with industry before taking enforcement action (Andrew Stephens, Chair of the Licensing Committee and Labour Councillor 25/1/99).

Hence officers and councillors mentioned in different ways that there was widely perceived to be a change in attitude, from a more arbitrary system of licensing to one based on standardised procedure. An important element of this change noted by long-standing officers and councillors was their perception of past improprieties; and the increasing legal power of licensees. This latter point will be explored in the following section. The most important expression of this is the way in which some licensees were able to win extended licensing hours and become more politically prominent in the area.

#### '24-HOUR' LICENSING AND THE GROWING SOCIAL POWER OF PARTICULAR VENUE OWNERS

The growth of late licenses in Southview began from the period of 1993-4 (Licensing minutes 1993-9), when two key and established nightclubs applied for later hours and these were granted. However, unlike other cities such as Manchester (Lovatt 1996), there was never a formal policy adopted in relation to late licensing by the council. Rather, a number of disparate discussions were taking place in different areas of the locality with regard to hours extensions, and the fact that a few key individuals

supported extending licensing hours and were in a position to push for changes. Even here, however, later licensing was only acceptable to committee members in relation to venues in Southview. Elsewhere in the borough, for example, residents combined with Liberal Democrat and Conservative councillors to campaign against later licensing (Terrance O’Leary, former Chair of the LC and current Chair of the Planning Committee, Labour Councillor, 10/11/99).

The first venue to apply for later licensing was the Dome. According to Peterson of the Dome, the impetus for this had come from their customers, who, in the wake of rave, had been exiting legitimate clubs at 2am and attending local illegal parties:

*They wanted more music, more this and more that. Because they were taking their drugs and couldn’t get to sleep, they wanted to stay. It wasn’t an advantage to me. I couldn’t sell them any drink... (John Peterson, Owner of the Dome, 11/5/00).*

Hence the better-established clubs began to apply for a legitimate<sup>3</sup> extension to hours. Respondents from the licensing authorities, including long-standing officers and the police interviewed, seemed to express bafflement as to how extended licensing became commonplace in Southview, mainly describing how it happened as opposed to why, expressing the lack of generalised strategic or ideological thinking on the subject:

*We, the council are led by the applicants. We obviously..it’s the applicant who makes, moves the rules. They come to use and say “oy, a new application, we want to open till six in the morning”, y’know, and we, we can’t refuse an application so, we don’t. (Colin Trace, Entertainment Licensing Officer DoR, 24/5/00).*

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<sup>3</sup> Legitimate because more public houses and other semi-entertainment venues had frequent ‘lock-ins’.

*Its just built up, a gradual, year after year, y'know, each year you'll see an half an hour or hour is asked for and councils and members try to hold the line and say no, not having it. Sometimes they accept that. Others say, "no, we're appealing". This is an unreasonable decision you've come to... of course, they're reluctant to grant them but they have a go once, and it's like fighting the tide. You can win three and lose one, and then that's it, the other three don't matter, because you've set that precedent, and that becomes law. It's difficult to fight that (Andrew Wilson, Borough Solicitor, 27/1/00).*

Brian Walters, the key figure in the licensing department for the Metropolitan Police, similarly presented later licensing as something which "just happened":

*..it just happened, before we knew it had happened, y'know... the borough council want the money, that's always a..and y'know basically once they've got an entertainment licence, we actually have got to have some really strong grounds for opposing their special hours certificate... so yeah, they just happened, they just seemed to happen..(Sergeant Brian Walters, MET Licensing Officer, 7/5/99).*

Seemingly officers and the police were unable to fight against the tide of late licensing, once nightclub owners started pushing for it. In one sense, therefore, such perceptions represent the sense of inevitability felt by local state bodies against the deregulatory tide. Venue owners here were perceived as having greater social and legal power, despite their lack of power in the previous decade. In addition, the officers perceived that they were unable to resist due to possible challenge in the magistrates' appeal court. They believed that for the magistrates' court, if a venue was not considered to be a potential nuisance or law and order problem (demonstrated by objections from public bodies or residents) then there would be no basis on which to refuse the application. As the council stood to lose thousands in such cases of appeal, its decision-making powers were very much limited by law as they interpreted it (Andrew Wilson, Borough Solicitor, 27/1/00).

However, from the accounts given and decisions taken as reported in the licensing minutes, some individuals and networks did appear to be key to altering local practice on late licensing, in terms of setting new precedents. For example, Terrance O'Leary, former Chair of LC and a member of the planning committee, pushed very hard for liberalisation in the licensing committee over a period of four to five years. For example, in the licensing minutes he appeared crucial to waving decision making on the LC by speaking in favour of later licensing and a more liberalised regime in general (I noted three of these decisions: LC minutes 25/7/95, 29/11/95, 10/9/98). John Peterson of the Dome argued that he had established close links with the council and pushed members towards perspectives that aimed at opening up nightlife to economic development and liberalisation. For example, the Dome financed a map of cultural activities which included the venues of the key drivers at that time (John Peterson, Owner of the Dome, 11/5/00).

What was also important was the way in which SCCL managed relations with the police. The Chief Executive of SCCL felt that their co-operation with the police was new, in that she claimed that the borough council had instructed its staff not to attend the Southview Community Police Consultative Committee set up after the 1981 riot. Although this was not in fact the case (in that there had been fairly close relations between the local Commander and the CE of the borough council in the 1980s, as documented by Keith 1993), it was felt there was something qualitatively new about the relationship (Henrietta James, Chief Executive of SCCL, 10/9/99). The Metropolitan Police Commander, according to James, was invited onto SCCL from year one and

played a role in examining all the bids relating to crime prevention. In addition, although there had never been a formal discussion about extended licensing per se, they were able to 'take the debate forward' with regard to staggering licensing times (Henrietta James, Chief Executive of SCCL, 10/9/99).

This was aided of course by changing national policies on cultural activities both from the police and government (Lovatt 1994, 1996). James noted that the notion of targeting entertainment as an "economic driver" had been fairly new and SCCL had found the government initially wary. However, it did begin to see the importance of the sector (Henrietta James, Chief Executive of SCCL, 10/9/99). It was also the case that police authorities around the country began to see the 'night-time' economy not as a social order problem but a social order solution (Lovatt 1994), the specificities of which are explored in Chapter Seven as they pertain to the way in which social order problems were reposed in the locality. Both these attitudes changed institutional perspectives in Southview.

For example, from interviews with council officers from the DoR and members of the LC, it is fairly clear that they had been influenced by the ideology of deregulation:

*There's been a deregulation in terms of opening, uh, at a more, at a wider level shall we say, uh, you probably know that all shops can open now 24 hours a day, 7 days a week, except big stores that can only open 6 hours on a Sunday, but that's happening. (David Aspen, Head of the DoR, 22/2/99).*

*The late night market is going to happen regardless and I do think within this borough, certainly in the north and centre of the borough, we are heading towards a 24-hour economy...it's an economic prerogative. I*



*think lifestyles are changing. I think people want the freedom to not necessarily go out at eight o'clock and come home at eleven. Increasingly, people want to go out at midnight and come home at four. I think we have to respect these changes in lifestyle patterns* (Stephan Rogers, Deputy Chair of the LC, 9/12/99).

The pressure towards the deregulation of hours was not simply seen as a product of economic and cultural changes, as described above. Rogers in particular was very open about the degree to which decisions regarding licensing hours were influenced by the need to regenerate and redevelop the area, as SCCL had been in the early 1990s. I had asked him whether regeneration issues affect decisions over extended hours, and he replied that:

*Yes we do look upon licensing as a means to regeneration, yes we do think we are heading towards a 24-hour economy and yes we would like to encourage that, but not at the expense of, if you like, local people in fear of being sold short...* (Stephan Rogers, Deputy Chair of the LC 9/12/99).

Considerations of the role law plays in regeneration was rejected by the Chair of the Licensing Committee, who preferred to remain within a legal, as opposed to political framework (Andrew Stevens, Chair Licensing Committee and Labour Councillor, 25/11/99). However, most of the accounts reflected this sense of inevitability regarding later licensing and the importance of encouraging activities that would contribute to regeneration (for example, Terrance O'Leary, former Chair of the LC and current Chair of the Planning Committee, Labour Councillor, 10/11/99).

However, as seen in the case of Rogers (Deputy Chair of the LC, 9/12/99), while the parameters of deregulation and the structural constraints on decision making have been inculcated by officers and councillors, later licensing is never granted as a right as such.

The councillors in particular, as will be seen in the later section on noise and nuisance, saw themselves as involved in a balancing act between different interests, such as business and residents. Moreover, as will be examined in this chapter and the next, only those venues seen to be acceptable under certain local conventions are granted late licensing. Most of the more long-standing venue owners, such as Marriot of Club 99, Peterson of the Dome and O'Brien of Thai Heaven and Zebra, commented on the relative ease of accessing late licensing in the area if they were seen to be playing by the rules. This perception was illustrated well by Neville Hampton of the Star Bar and confirmed by David Aspen, the Head of DoR:

*Drugs, crime, noise and pollution. If you've got a good record on that, in this area you basically get a late license, and we got a late licence..I think if you show you won't cause any problems, they've basically got a, they're basically quite generous with late licenses (Neville Hampton, Co-owner of the Star Bar and manager of Prayer, 29/2/00).*

*The clubs started applying for later hours, and I think that...where they'd been seen to be operating satisfactorily, that there hadn't been complaints, and there were no objections from the police around the slightly later hours, uhh, then they were permitted..(David Aspen, Head of the DoR, 22/2/99).*

The various restrictions placed on 24-hour licensing suggest that the emphasis on extending hours is selective as opposed to inevitable. The level of control actually exercised by the licensing authorities and under what terms will form the subject of the latter section of this chapter and Chapter Seven.

The issue of extended hours was also presented in interviews with the council and the police as a more sophisticated form of social control, both in terms of practicalities

(transport) and with respect to concerns about disorder (alcohol and drunkenness, noise, nuisances, policing). Rather than having a mass of people out in the streets, for example, people are more dispersed, spatially and in time, and therefore easier to police. John Wilkinson, for example, the MET Inspector in the licensing department, said that binge drinking was a problem particularly considering they did not have the manpower to police the area at night. They were in favour of 24-hour opening to contain the problem of crowd massing and drinking (John Wilkinson, MET Inspector for Licensing, 25/7/00).

From accounts in interviews and the licensing minutes, this was an abrupt change of attitude on the police's part; a point confirmed by the minutes where the police appeared to give up objecting to hours' extensions. This occurred after Sergeant Brian Walters had attempted to object to the Dome extending its licensing hours to 9am (effectively 24 hour licensing) on Friday and Saturday nights on the grounds that the application was "purely commercial. The Dome is hoping to counter clubs with longer hours in central London". (Letter dated 20/7/95, LC minutes 29/11/95). O'Leary, the then Chair of the Licensing Committee, criticised the police for "their negative attitude" and argued that the Dome should be "congratulated for their commercial enterprise" (LC minutes 29/11/95). The perceived change of perspective of the police in this area was suggested by Trace:

*It started to change in the early '90s and, you know, you began to find that premises started applying for later hours, until four or six in the morning, and then the police started saying, well, we've got no problem with this, because, instead of having, you know, if there were four clubs in Southview, eight hundred people coming on to the street at two o'clock in the morning which may cause public control problems, it was all spread out... (Colin Trace, Entertainment Licensing Officer DoR, 24/5/00).*

The volume of people was encouraged not only because of crowd control issues, but also that people on the streets was seen to deter opportunistic crimes such as street robberies. Terrance O'Leary argued that, having forced the local police to accept later hours, they began to see its merit in terms of community safety and crime reduction:

*Have you been round here at one in the morning? There are hundreds of people, and the number of robberies and other crimes are at an all time low, and it's because there are so many witnesses. It's fantastic. It's a really good, safe, atmosphere, um, because there are so many people. It was when it was dark and lonely, that it was dangerous...the police have changed their minds, because they see the centre, particularly late at night, those hours when you'd think loads of muggings would be going on, as being incredibly safe (Terrance O'Leary, former Chair of the LC and current Chair of the Planning Committee, Labour Councillor, 10/11/99).*

Lastly, in the view of these respondents, later closing times gave punters an opportunity to sober up, as clubs were legally obliged (even if some didn't) to stop serving alcohol at 2am:

*People who are, who have had a lot of liquor, have got six hours, y'know, to get it out of their system, so they come out at nine o'clock in the morning and go home, no worse for wear, really, and they're contained within that. There's no problem with anyone on the streets at the early hours of the morning. (Colin Trace, Entertainment Licensing Officer DoR, 22/2/99).*

Hence late hours were seen as both evolving from the de-regulation of the economy and in terms of crowd control - a means of containing a social order problem and encouraging crime prevention. Nightlife, through the development of the 'night-time economy' was becoming *normalised* in two senses: firstly, as legitimate and regulated businesses, and secondly as forming the grounding of the resolution of social order problems (Lovatt 1994).

The key issues of the deregulation of hours and the standardisation of procedure are suggestive of the growing social and economic power of the night-time economy.

However, as already noted, such changes did not necessarily indicate a decline of official interest in containing perceived social order problems. It was simply that they were conceived differently and in particular more selectively. As shall be examined in the remainder of this chapter, the form in which regulation developed represented the new forms of social differentiation described in previous chapters. Rather than being perceived as a problem as a sector, regulation differentiated between different types of venue or venue owner. The process by which this occurred will be the subject of the remainder of this chapter and Chapter Seven.

## LICENSING CONDITIONS AND THE NEW BOUNDARIES OF ACCEPTABILITY

*You'll probably find that lots of authorities take different bits [of licensing law]. It's all down to the officer and what he knows. If he goes down one line he'll probably do lots of prosecutions on one thing, and none on another, and you'll find a wide range. It's almost like it's a subject so huge, if you really wanted to dig into it you could do anyone for almost anything. It depends on whether you're politically motivated to actually go and do it (Andrew Wilson, Borough Solicitor, 27/1/00).*

Licensing procedure differs according to each locality. In formal legal terms, this is because each council is at liberty to set the conditions of licensing law, within certain broad guidelines and procedures, according to the Local Government Acts of 1963 for London boroughs and 1982 for provincial areas. Although, as already considered, there are attempts to standardise procedure, it is also the case that the different

preoccupations, interests and the balance of social forces in each locality dictate which elements of law or the interpretation of law become focused on by the licensing authorities. Hence there is a high level of subjectivity and discretion that is operationalised in the licensing process.

It is also the case, as seen previously, that different institutions are involved in different aspects of the licensing process. For example, Sergeant Brian Walters described drug dealing and drug use as the only clear priority for the local police (Walters, MET Licensing Officer, 7/5/99 and 12/10/00). This point was also confirmed by Peter O'Brien who said that when seen by the police concerning licensing matters, that's all they were really interested in (O'Brien, Co-owner of Thai Heaven and Zebra, 1/2/00). Other forms of nuisance, such as noise, were described by officers as less important. Inspector Andy Brightman, for example, claimed it was not really within their remit to do anything about it (Brightman, Former Sector Inspector for Southview MET and present Community Liaison Officer, 24/7/00). They also received complains about minor disorder at night, but Inspector John Wilkinson argued that they didn't have the resources to deal with it, as will be examined in Chapter Seven (Wilkinson, MET Licensing Inspector, 25/7/00).

From interviews and licensing minutes, the council, for their part, demonstrated only vague concern as to drug dealing, feeling that it was the remit of the police. For example, at one point the LC initiated a discussion on the subject of drugs in relation to clubs, and consulted 21 licensees as to whether they had experienced problems. Typically, 12 said there were no problems, and 9 had encountered drugs but were able to control it. The

council concluded that the police and the public rarely cite this as grounds for objection, and therefore that there was 'no widespread problem involving the unlawful use/supply of drugs related to premises licensed by the council'. The police did argue, however, that they should be consulted regarding crime prevention advice in the application process of any new entertainment's establishment (LC minutes 26/10/95).

The only area of concern that had seemingly acted upon the council in terms of the use and sale of drugs was the issue of drugs as a nuisance, which concerned visibility. This had arisen as an issue in the Southview Town Centre Forum and additional consultation meetings had been held (Anti-drugs meeting, 4/12/99).

Moreover, council officers and the LC knew little about the operation of the local Door Supervisor Registration Scheme<sup>4</sup>, except to suggest that it was up and running and sanctions would be brought against those who were not registered (David Aspen, Head of the DoR, 22/2/99). There was little knowledge about specific issues or problems in dealing with registration - it was very much left to the clubs to organise training and for the police to run checks (Stephen Rogers, Deputy Chair of the LC, 9/12/99, David Aspen, Head of the DoR, 22/2/99 & Colin Trace, Entertainment Licensing Officer DoR, 22/2/99).

What was of more interest to officers of the council and the LC, in terms of perceived

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<sup>4</sup> A licensing scheme where door security would be vetted and trained before being allowed to work.

importance, was first, health and safety, and second, noise and nuisance. Indeed, the context for decision making as recorded in the council's minutes was described as:

Factors such as amenity value, creation of jobs, and attraction of new money into the borough need to be considered against the potential of unreasonable nuisance, noise, disturbance etc to local residents and general standards required for the borough (LC minutes 26/6/95).

This again returns to the theme mentioned earlier in that the council understood their role as to balance the interests of business in relation to residential demands.

Council officers and the LC also perceived their responsibility to be directed towards ensuring that the applicant was a 'fit and proper' person, although often discussed the limitations of such criteria. The first two - health and safety, and noise and nuisance, were specifically within the remit of the council. General environmental health functions were governed by a health and safety inspectorate, while noise and nuisance was dealt with in the DoR in a shared responsibility with housing. With respect to the 'fitness' of the applicant, a number of disparate issues could come into play, involving judgements by the council or the police. Consequently, three aspects of formal licensing procedure will be examined here; health and safety, noise and nuisance, and categories of fit and proper person.

In particular, the sections will focus on the degree to which council function can be regarded as simply the weighing of disparate interests or whether new forms of differentiation between acceptable and unacceptable venues, applicants and behaviour are operationalised in the licensing process.



## HEALTH AND SAFETY

The council is guided in its decision making by Rules of Management that were originally devised using the Lord Chamberlain's Rules and the London County Council's technical requirements and codified for use by the Greater London Council in 1965, which also involved consultation with the Association of British Theatre Technicians (ABTT). With the abolition of the GLC, they were revised by the Association of London District Surveyors and the London Chief Environmental Health Officers Association for use by the particular boroughs concerned. The present rules were substantially revised by the District Surveyors' Association, the ABTT, London Environmental Health Managers and assisted by the Fire Brigade and can be adopted for use by the borough council (Model Rules of Management for Places of Public Entertainment, p6). Such rules can, however, be revised under Section 2 (p11). As seen by the nature of the drafters, the 'rules' have a strong and developing focus on health and safety, although other features are included, and originated from the London County Council's original preoccupation with public health (see the Music and Dancing (London) Act 1912).

The 'Rules' consists of 72 pages of text/conditions, although only 14 of these relate to general conditions that include clubs. In addition several appendixes relating to specific guidance on issues such as curtains and wall hangings, fire appliances, staff training and special effects (strobos, dry ice, lasers, smoke machines). Supplementary rules apply for cinemas, sex 'establishments' (which have been banned under Section 4 of the general

rules in the area - although this can be waived in specific applications), sports and for Occasional Licenses (one-off events, and for which the rules are similar to the general rules, with such additions as adequate toilet facilities).

The general rules consist of thirty-six clauses, outside of the two initial clauses involving definitions and council powers to waive any of the rules. Most of these relate to health and safety clauses, such as overcrowding, fire regulations, building works, hygiene and additional features such as free available drinking water. Additional clauses relate to hours of opening (two clauses), control by the licensee (three clauses - most of which pertain to safety and training, but one sub-clause relates to the need for the licensee to be present during opening times, and another specifies his/her responsibility for order), and finally noise (one clause). That public safety was a prior condition of licensing was confirmed by council officers and a member of the LC:

*Our over-riding concern in all the activities that we do is public safety, so that's the key theme that runs through..(David Aspen, Head of the DoR, 22/2/99).*

*The health and safety officers are doing the same as licensing. They are concerned with safety on the premises, the safety of the public on that premises when they are on it, and that's it, that's basically what it's about, public safety. (Colin Trace, Entertainment Licensing Officer DoR, 24/5/00).*

*Our primary considerations are obviously health and safety first and foremost, and nuisance second. I know you had a list of other factors which we can consider, but to be honest they don't come into our considerations often...(Andrew Stevens, Chair of the LC and Labour Councillor, 25/11/99).*

The venue owners interviewed had few objections in principle to health and safety conditions of licensing, and generally seemed to accept responsibility for ensuring the safety of club goers, and the way in which responsibility had been inculcated into the venue owners will be explored in the following chapter. Two of these did, however, note that many of the works required for an entertainment licence seemed unreasonable and unrelated to the particular conditions of their premises (Peter O'Brien, Co-owner of Thai Heaven & Zebra, 1/2/00, John Peterson, The Dome, 11/5/00).

The main problem noted by venue owners in relation to health and safety conditions appeared to be one of having the substantial amount of capital required to conduct works. Two owners noted that the level of works need for an entertainment's license were not required for a liquor license in the area (Michael Oswald, owner of the Southsider, 9/12/99, Peter O'Brien, co-owner of Thai Heaven & Zebra, 1/2/00). The policy statement from the magistrate, for example, merely states in one clause that the committee should estimate 'whether the premises are or are likely to represent a substantial risk to the public from the point of view of structure, fire hazard or hygiene', while two other clauses relate to security regarding the sale of liquor (Policy Statement, p8-9). Oswald argued that he would not apply for an entertainment's license because it cost too much and was waiting for the law to be changed (Michael Oswald, owner of the Southsider, 9/12/99).

The problem of the cost required for alterations is also connected to the issue of the interconnectedness of the licensing process with other departmental functions. For example, until more recently a licence could be granted but then an application could fail

in the planning department, meaning that the licensee would not be able to operate despite winning a licence. Conversely, works had to be conducted on a premise before a licence could be approved, which was by no means guaranteed. As such, there was no connection between the licence and planning function, which worked to the detriment of the licensee. In an attempt to resolve such difficulties, the council introduced the concept of a provisional licence in which an entertainment licence could be approved while required works certificates had to be shown within six months, thus giving the applicant time to cover the necessary expenditure (Proposed amendment to procedures in dealing with licensing applications, LC, 21/2/95, p5). As recorded in council minutes, this practice is employed frequently, and in one case was extended by fourteen days after the owner failed to produce certificates (LC minutes 13/7/99). In essence, this appeared to be a further adaptation to the requirements of local business, rather than the health and safety imperative.

Such strictures also work to the detriment of more informal events or venues. For example, there is only one recorded case where a licence was refused on health and safety grounds, and this concerned a pro-cannabis march and entertainment event in a nearby park. (LC minutes 9/4/99). The application was refused, although the LC was keen to stress that this was not a moral issue, but the organisers went ahead anyway. The organisers were charged, but were not convicted of any offence (Local Press 20/1/00). In another example, one estate set up a juice bar, a nursery and a nightclub in the estate, which was seen as necessary for community integration in the sense of entertaining local youth and ease lives. However, they did not attempt to apply for a licence. The organisers argued that they would never be given planning permission or

licensing by the council on the basis of health and safety and they did not have the money to carry out the required works (Sarah Turner, Tenants Forum SCCL, 28/7/99).

Health and safety issues were, however, seen in a traditional way and had not incorporated many of the new 'risk' orientated strategies promoted elsewhere as a by-product of dance culture, such as the Safer Dancing Campaign from Lifeline in Manchester (Gilman 1995), the London Drug Policy Forum (1996), the Dance Safely campaign (Release 1996) or other 'risk' orientated discussions (Club Health, Liverpool, 1997). David Aspen, for example, mentioned important health and safety measures as concerned with sanitation, building structure, fire and overcrowding (David Aspen, Head of the DoR, 22/2/99). When asked about new innovations around harm prevention, he argued that they "rely very heavily on the police for information about improper running of premises, or potential drug abuse going on" (David Aspen, Head of the DoR, 22/2/99), concerns which were outside the harm reduction framework. Harm prevention work was certainly not evident during the field research, in the sense that I observed no stalls or counselling. The only risk prevention measures mentioned by club owners included the provision of water, which was seen as financially unpopular (Jane Marriot, Club 99, 18/11/99) and basic medical facilities (John Peterson, The Dome, 11/5/00).

Again, this lack of interest in risk management from council officers seemed to stem from the idea that businesses were trustworthy. Aspen, for example, when asked how they managed attempts to bypass rules, argued that many of the operations were big business and therefore that they "wanted to comply" and were "not really in the game of riding on the edge", although "rogue business people" would be denied a license or

more strictly monitored (David Aspen, Head of the DoR, 22/2/99). Complicity with health and safety measures, therefore, was seen in this case to be a product of respectable business practice, and extended activism in terms of new risks and harm management was not required or sought. In essence, considering both the way in which financial investment played a role in health and safety, and enforcement was perceived by council officers interviewed, the way officers differentiated between venues and venue owners was orientated around business capability.

## NOISE AND NUISANCE

The noise and nuisance clauses in the 'Rules' specify a distinction between internal and external noise. With respect to noise emanating from the building, it states that the 'licensee shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance'. With respect to external noise, caused by people, it states that the 'Council may require clearly legible notices to be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly' (Model Rules of Management, p15).

With respect to noise emitted from a building, the council followed the 1990 Environmental Protection Act in which judgement as to whether a noise is acceptable or not is left to the council officer or department concerned. Indeed, the borough council did not adopt the 1996 Noise Act (except for its powers of confiscation which were adopted as an amendment to the EPA) because it involved laborious and time-consuming

measurement of noise using decibel recorders. As Rogers argues, the council preferred to use its discretion:

*With the Environmental Protection Act it's an issue of 'tort', an issue of nuisance so we use our ears. You don't need to measure.* (Peter Rogers, Noise Officer DoR, 28/6/00).

In essence, what this means is that the council simply has to decide by visiting the complainant whether noise can be dubbed as affecting the enjoyment of his or her property. Most complaints to the council in Southview, according to two officers, derive from residential problems and not from night venues (David Aspen, Head of the DoR, 22/2/99, and Peter Rogers, Noise Officer DoR, 28/6/00). In the case of venues, the council tends to deal with potential noise escape in a technical way – in terms of ‘structural suitability’ and the level of amplified noise being emitted. With technological advancements and building works that can soundproof a venue, a building, even if playing loud music, can be internally insulated so that there is no sound leakage. One club owner talked at length about the innovations they had made to their sound systems to prevent any kind of noise problem, such as directing noise onto dance floors away from externalities (Jane Marriot, Co-owner Club 99, 18/11/99). The inculcation of a regulatory consciousness will be explored in the following chapter. Despite the way in which club owners have chosen to deal with the problem of noise emissions it still remains a central and high profile area of council preoccupation. In the notes taken from the LC minutes between 1993 and 1998 (which only recorded contested decisions on nightclub venues) there were fifteen references to noise problems, compared to five for health and safety problems.

The council also concerned itself with the level of noise emitted as a by-product of nightlife, that is, noise from people entering or exiting clubs. The control of street activity was a key point of activism for the borough council, and it showed itself to be keen to extend its powers here. For example, David Aspen, Head of the DoR, said that street noise could be considered in relation to a venue:

*You can do works to a building to make sure there's no noise escape from it, but what you can't normally do is contain the noise from people leaving... and if you have a lot of people pouring out of a venue in the early hours of the morning, then that's a consideration in terms of the impact upon local residents...* (David Aspen, Head of the DoR, 22/2/99).

This perspective was confirmed by other respondents, for example the Chair of the LC (Andrew Stevens, 25/11/99). Although in one entry in the LC minutes, it was noted that 'the Council had no power to control noise in the street outside licensed premises' (16/11/99), in general external noise was considered to be a factor in licensing decision-making. In a report by the DoR on the proposed 'Modernisation of Licensing Laws' (Report 14/6/00), it was noted that the '24-hour economy' operating in parts of the borough increased the 'levels of disturbance in surrounding streets'. Additionally, the Southview Town Centre Forum began lobbying in 2000 for a planning ceiling on new premises in Southview as a result of residential complaints in relation to night-time economy.

Noise control in the borough developed to a new level with the incoming New Labour council in 1997, which provided the impetus for the council to take a "zero tolerance" attitude to noise, building on past emphases in the borough as explored in Chapter Three and Four. Although the pressure was coming from local people, it was also viewed by



the council as a political priority and enacted upon. The possibility of applying a 'Notice' (a marking up of a problem in which further breaches will incur a fine) was extended throughout the borough (not just on public housing). A seven-day noise abatement service<sup>5</sup> was also provided (although only at nights) and judged to be a success. Peter Rogers, for example, noticed that after the introduction of the service, they were subject to an 'escalation' of complaints (Peter Rogers, Noise Officer DoR, 28/6/00). He claimed that this will be extended to a 24-hour service in 2001 (Peter Rogers, Noise Officer DoR, 28/6/00). The service was paid for by a special grant from central government to administer the EPA (Peter Rogers, Noise Officer DoR, 28/6/00), and as such there were few resource implications in extending it.

Hence, from the perspective of the council and local residents, noise nuisance is an important issue in Southview. Whilst largely the council has attempted to deal with this through technical means, this only works in internal spaces and external noise cannot be controlled in the same way. Given that there are few funding constraints, as outlined above, it is possibly seen as an important area of activity where the council can be seen to be changing something. Residents have increasingly focussed on the 'night-time economy' as a source of nuisance, and more recently in the Town Centre Forum this has led to calls for its limitation. The night-time economy represented for councillors and the police, on the one hand, a means by which the streets could be made more safe, and on the other for the council a source of revenue and an 'economic driver', although pressure was also applied to limit its impact. Both new political agendas and resident action (parallel trends that became unified in the newly developed Town Centre Forum)

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<sup>5</sup> Where officers would be on-call to deal with complaints.

introduced a new dynamic of limitation, as has occurred elsewhere (for example, from the Soho Society and Westminster Council).

The growth of interest in nuisance has been innovated further by a new preoccupation with the issue of ‘anti-social behaviour’ (see the Crime and Disorder Act 1998, and Policy Action Team 8, 2000), which not only includes within its remit noise and nuisance issues, but also extends the range of social order considerations permitted in licensing practice. For example, the Chair of the LC Andrew Stevens, after we had completed the interview, told me that he had been attempting recently to raise a debate with colleagues about what they thought of the night-time economy. This had been in response to a colleague who had said to him that he had seen people coming out of the Dome and vomiting in the street at 5-6am, and shouldn’t the LC do something about this? I suggested to him that this was possibly a matter of ‘individual harm’ and therefore the private business of the individual, to which he replied with a long “mmm” and said “wasn’t it anti-social behaviour” and “would you want it on your doorstep?” (Andrew Stevens, Chair of the LC, 25/11/99). When the issue came up of extending the hours of the Dome Bar from 3am to 9am Sunday to Monday at the LC meeting following this interview, a problem relating to ‘anti-social behaviour’ was raised. In the vote, three voted for and three voted against, with one (the Chair) abstaining. The LC decided to monitor the venue, and it was noted that there had been problems with ‘mini-cab touting’ and drug dealing in the street<sup>6</sup>. The owner reassured the LC that the club would not tolerate anti-social behaviour and the extension was finally granted, although

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<sup>6</sup> Although this was not seen to have any connection to the venue in this case.

one councillor wanted her concerns minuted that this would set a precedent for 24-hour licensing. (LC minutes, 16/2/00).

Although the problem was resolved in this case, it is indicative of the council's interest in the issue of behaviour in the street and the way new concepts and legislation unrelated to licensing at this time inculcated themselves into licensing practice. The Crime and Disorder Act 1998 did, for example, specify that the problem of crime and disorder should be a consideration in the formation of any council policy. In addition, the re-translating of the tort of noise and nuisance into 'anti-social behaviour' carries a more moral connotation. Rather than simply being about the enjoyment of property, and the 'technical' ways in which that enjoyment is interfered with, anti-social behaviour is different. It is suggestive of behaviour that goes against the norm, against society's standards. Although at the time of the research such usage was only just being applied locally, the government's White Paper reflected more moral and behavioural concerns with 'incivilities' and perhaps will reflect a return to historical concerns with nightlife as a source of disorder re-presented in a new form (Time For Reform 2000, Rose 2000).

As seen from attempts to limit the number of venues by the Town Centre Manager Carol Underhill (4/2/00) noted in Chapter Five, the prevalence of noise and nuisance control seems also to have become a new way of representing old concerns about the number of premises in an area. One of the key changes particularly in the 1990s was the removal from magistrates the right to control this aspect of licensing (see Lovatt 1996). Comparing two written versions of policy, old and new (although undated) from the

magistrates' licensing committee, the way new forms of regulation can be mobilised to old purposes is observable. In Clause 6 (d) of the old version, it is stated that a consideration is 'whether it is desirable to have a further outlet of that type in its area before granting a new license' (Policy Statement, p7). In the new version, this clause has disappeared. However, a new clause appeared which states that a further consideration should be 'the need to ensure that licensed premises in the area should not become so numerous as to produce problems of noise and disorder' (Policy Statement, Clause 7(a)3, p8). Again, it points to a fundamental contradiction between the council's desire to promote the night-time economy as an economic driver on the one hand and a necessity to appease local residents and political opinion on the other.

The guidelines for deciding what constitutes a noise or nuisance follow somewhat vague and shifting boundaries. It is slightly clearer in the case of what constitutes unacceptable noise levels, because officers can be guided by legislation that has been in use in the council since 1974 (Peter Rogers, Noise Officer DoR, 28/6/00). However, in the case of more general public nuisances, most of the respondents from the council seemed surprised when I asked them to define what, in their eyes, constituted a public nuisance. The reason for this is that such definitions are evolved from 'local experience' that emerges from public complaints to the council or what arose from the Local Crime audit of around 1000 residents (Crime Audit 2000). Feelings of what constitutes a nuisance seem to arise from local experience, which is defined by its category as a 'tort' (Cane 1997), and are very much influenced by what residents in the locality say. In each locality, therefore, different issues will be seen as pertinent depending on what complaints are made. In the case of the two respondents, the following were listed:

*It's people leaving, it's slamming car doors, it's the radios played too loud, it's the drunkenness, its using the gardens as a toilet or even worse, uh, short cuts to places to have sex or whatever, and these are the same things that come back every time (Andrew Wilson, Chair of the LC, 27/1/00).*

*There are constant complaints about the volume of people leaving... and local residents saying they are woken up by a combination of fights, smashed bottles... car doors being banged at night...(Steven Rogers, Deputy Chair of the LC, 9/12/99).*

Noise and nuisance are the only grounds by which residents can lodge a complaint against an application. Objectors must formally write a letter to the licensing officers of the council and must also turn up at the committee meeting where the application is being considered to object in person. There are no standard rules through which committee members are able to balance the relative weight of the application against objectors, as each case (in the rules of 'natural justice') must be considered individually according to its merits. Otherwise the committee will be 'fettering its discretion' (LC minutes 26/6/95). The Chair of the LC and the Noise Officer argued that it is the responsibility of the council to decide whether the case for the objectors has merit – it does not depend on the number of objectors or the strength of feeling:

*The fact that you have 100 people may weigh more heavily on our minds than if you have three people. Then again, if those three people are going to be heavily directly affected by something, maybe that's more important than the 100 people. It's a question of making that judgement, and then balancing it against the possible enjoyment that may come from the sorts of events we may be licensing (Andrew Stevens, Chair of the LC, 25/11/99).*

*... the issue of tort is that there is a noise from one property affecting another. It's immaterial whether it was one property affected, or one hundred (Peter Rogers, Noise Officer, DoR, 28/6/00).*

It has already been noted that the council is proactive on the issue of noise. However, respondents from the council generally argued that this was a result of local complaints. The motivations for residents making noise complaints<sup>7</sup>, or the specificity of council interests in this particular area<sup>8</sup>, were not the subjects of this thesis. However, from interviews with council officers and the LC, as stated previously, it is certainly the case that the council is keen to act upon noise complaints. Ironically, however, despite the enthusiasm exhibited by politicians, an officer claimed that in fact Southview was more tolerant of noise than other areas (David Aspen, Head of the DoR, 22/2/99, Terrance O'Leary, former Chair of the LC and current Chair of the Planning Committee, Labour Councillor, 10/11/99), which is why they were considering some kind of zoning plan to make Southview a 24-hour zone (David Aspen, Head of the DoR, 22/2/99). This proposal had been rejected, however, as it fettered the council's discretion (Andrew Stevens, Chair of the LC, 25/11/99).

It appeared that in noise complaints the council was subject to conflicting pressures. On the one hand, they wished to encourage business and the night-time economy, and on the other, they wanted to appease residents' interests and demands. There were also political conflicts, with some individuals being more in favour of late licensing than

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<sup>7</sup> Meaning, is the issue of noise a objective reality or simply a displacement of some other concern, such as personal frustration, political frustration, or a function of technical issues such as poor building insulation?

<sup>8</sup> As suggested before, the way in which noise control becomes a way of mediating lack of local resources, or an active promotion of populism, or a way of clamping down on 'difficult' tenants.

others. The creation of the night-time economy in the early to mid 1990s had created its own response, exhibited and represented through the Town Centre Forum. Lastly, there were legal conflicts – the council being bound by laws such as the Crime and Disorder Act 1998. It was unclear at the time of the research how these various contradictions were to be resolved.

There are some examples, however, of the way that noise complaints mediate the creation of social differentiation and demarcations between the acceptable and unacceptable. As seen in Chapter Four, for example, one study (Patterson 1963) had suggested that noise complaints were motivated by racial intolerance – the incoming West Indian population was not deemed to fit in with the culture of aspirant suburban quietude, and it is possible some of these motivations still take effect. For example, Zebra, part owned by Nigel George and predominantly attended by black men and women, was unable to open beyond pub hours due to residential complaints. O'Brien, the other owner, remarked that he tried to be as diplomatic as possible with residents and had always tried to negotiate problems informally. The Zebra had an old peoples' home next door, and, although he had invited residents to come for dinner and discuss problems, four had refused, saying he was attempting to bribe them, and consistently complained to the police (Peter O'Brien, co-owner Thai Heaven and Zebra 1/2/00). Neither O'Brien nor George, however, suggested such reactions were racially motivated.

In terms of more direct political responses to noise, one committee member noted that they did get "hyped objections" (petitions organised by groups of residents, via political interests, who were not necessarily affected by noise) which, he argued, were noticeable

because “they come up with reasons why you should be refusing to do things which are spurious or irrelevant in law”. He argued that people may not have known what they were signing, or may not have been directly affected by the noise (Terrance O’Leary, former Chair of the LC and current Chair of the Planning Committee, Labour Councillor, 10/11/99).

Marriot, of Club 99, saw the predominance of the issue of noise as stemming from the council’s desire to close down illegal venues, as discussed in Chapter Four:

*I think it all stemmed from the noise of illegal parties or clubs. The council used that, with the backup of the residents, to make more of a case to close the places down, and I think that has developed over the years to be where the council approaches the residents to find out their views before they actually grant anything (Jane Marriot, Co-owner Club 99, 18/11/99).*

She also suggested obliquely that the police used the mechanism of residential noise complaints to prevent a place being opened, after I asked her directly if this was the case. The owner laughed and said, “I could tell you a thing or two about that, but I can’t..no, I can’t” (Marriot, Co-owner Club 99, 18/11/99).

O’Leary noted that one other districts Liberal Democrat councillors formed political campaigns against noise nuisance from venues:

*The councillors round there, the Liberal Democrat councillors who represent that area, are the classic example of what I was talking about more generally, of the way in which they hype local residents. And they get hundreds of people coming round, hundreds, banners, huge petitions, and you can’t do any of this (Terrance O’Leary, former Chair of the LC and current Chair of the Planning Committee, Labour Councillor, 10/11/99).*



The sanctions for breaching noise regulation can be severe, although effort is made with respect to business to negotiate and mediate first, at least with respect to noise legislation (Peter Rogers, Noise Officer DoR, 28/6/00). The problem for licensed premises is that, in the case of a perceived “persistent nuisance” (Colin Trace, Entertainment Licensing Officer DoR, 22/2/99) coming from a premises, action is taken on two fronts. One way is under the Environmental Protection Act through the noise regulators and then would also be passed onto entertainment licensing where action would be taken for breaching standard conditions of the license (Colin Trace, Entertainment Licensing Officer DoR, 22/2/99, Peter Rogers, Noise Officer DoR, 28/6/00). Sanctions may take the form of modifying a licence (through a reduction of hours), or some other type of limitation (although hours is by far the most frequent) (David Aspen, Head of DoR, 22/2/99). Or, if the problem was considered severe, the committee might judge the owner not to be a ‘fit and proper’ person (Colin Trace, Entertainment Licensing Officer DoR, 22/2/99).

In general, from the licensing minutes, complaints received from residents resulted in licence applications or variations for extended hours being rejected (see the LC minutes 3/12/93, 26/6/95, 31/1/96, 25/4/96), or only granted provisionally (see the LC minutes of 25/7/95, 14/9/99). In two recorded cases, however, applications were accepted despite complaints. One of these, a chain pub, was granted a licence for extended hours despite two formal noise complains and a letter from a local society and twenty residents, so long as it voluntarily restricted noise. Another, Prayer (run by Neville Hampton of the Star Bar) had received letters of objection from a nearby estate residents association. Hampton, however, had written letters of reply and attempted to negotiate, making

concessions, and the application was granted (see Licensing Minutes 13/7/99, 14/9/99).

However, in a more recent example, the LC raised noise as an issue in relation to a venue (which was a fairly new dance bar on the periphery), despite the fact that no noise complaints had been received in twelve months. One committee member suggested that the application for extended hours (to 9am) be limited to a six month period and then reviewed, in case any complaints would be received in that time, to which the applicant voluntarily agreed (LC minutes 16/11/99). This is again suggestive of the 'responsibilisation' process evident elsewhere in relation to licences and licensees.

Although the issue of noise complaints and control could form the subject of a separate and extensive thesis, it can be seen from the comments made by council officers, councillors and venue owners that noise was a prominent issue in the locality. It also acted as a prism for wider discontent and political or social interests (Bailey 1996). To some degree, it was an issue that represents the desire of the council to balance the competing demands of the locality - to develop a dynamic economy of which the night sector was seen to be key versus the needs of residents who had a greater political voice than previously.

However, noise, nuisance and 'anti-social behaviour' are subjective judgements, and ones in which any potential number of prejudices or frustrations can be run through (Bailey 1996, Fitzpatrick 2001). Although as an issue in itself the relationship between noise and subjectivity requires further research, in relation to licensing upsetting the neighbours can mean that in some cases an applicant will fail to obtain a licence, or in another extended hours will be refused. In the cases where a licence has not been refused,

the process is suggestive of a strategy of responsabilisation. For example, to a great extent, the council sees the resolution of noise complaints as a technical matter, resolved through negotiation, noise-limiting devices and good insulation – all of which the licensee pays for. Moreover, the licensee is expected to take responsibility for neighbourhood quiet, despite, in the case of external noise, such factors being outside their control. In addition, the regulation does not account for the degree to which complaints are made for prejudicial reasons (which needs further research), or the costs of such measures (which would put off all but the most stable business).

Noise can be seen not only as a technical issue, but also as one that indicates a tension between cultural expression and social disapproval, which historically in Southview was understood to be orientated around racial disputes (Patterson 1963, Gilroy 1987) but more recently seems to incorporate the role of the night-time economy and changing populations. It raises the more philosophical question of in whose interests or culture the quest for silence is (Bailey 1996), or who the inner city is for (Amin et al 2000). The translation of the tort of noise and nuisance into criminal categories, and the innovation of the legal categories of anti-social behaviour, can also be illustrative of the way in which social or political relations or conflicts can be translated into a regulatory agenda (Cooper 1995, Fitzpatrick 2000). In relation to night venues, it effectively entails that cultural conflicts are retranslated into the language of legal technicality, effectively sanitising such discussions of their social content. This will be examined further in the conclusion.

## CATEGORIES OF 'FIT AND PROPER'

There is generally within the council at least a reluctance to apply the concept of 'fit and proper' as a moral or social category. Generally, such distinctions are confined to whether the applicant for a licence has a criminal record that specifies certain types of criminal convictions. Even here, the council is guided by the Rehabilitation of Offenders Act 1974, which provides for the non-consideration of criminal records after a period of time depending on the offence. Respondents claimed that they were only specifically interested in types of crime that may pertain to running a nightclub or bar:

*I think if you've got a driving conviction or something, then that probably wouldn't be very relevant in terms of operating a nightclub, whereas if you were, uh, a known drug dealer, for example, then that would be something with much more relevance and much more concern and it would be those sorts of things that we would be looking at... whether or not somebody had been convicted previously for mismanaging a premises... whether there were offences relating to the sort of activity associated with nightclubs (David Aspen, Head of the DoR, 22/2/99).*

The borough solicitor also claimed that he attempted to "steer" members away from considerations of 'fit and proper' persons, as it was essentially a moral category which was difficult to prove (Andrew Wilson, Borough Solicitor, 27/1/00). However, two members did indicate that a consideration of the applicant's character did come into play. For example, during a committee meeting, the applicant and all parties were questioned in what was described by Stephen Rogers as a "tortuous" process, and which was suggestive of more subjective considerations:

*We obviously have the ability to question applicants and if they're not rigorous in their responses then, OK, you can normally get a pretty good indication if someone is dodgy or not or whether somebody is swinging*

*the lead or not quite doing what they should be doing..* (Stephen Rogers, Deputy Chair of the LC, 9/12/99).

However, the use of the criteria of consistency may just catch the legally inept or those that do not have sophisticated language skills. In another example, O'Leary talked about the case of noise and the capacity of an owner to control noise problems:

*You measure it against whether the noise can be contained, or, y'know, when the publican says, I can tell the customers to be quiet when they leave, whether you believe him, whether that will come to anything...*  
(Terrance O'Leary, former Chair of the LC and current Chair of the Planning Committee, Labour Councillor, 10/11/99).

The way in which licensee responsibility is subjectively considered will be explored further in the next chapter. It is fairly clear however that the criteria for judgement (in the case of night venues) when considering the parameters of the owners 'responsibility' went over and above that of any other type of business; for example using notions of consistency and subjective judgements of honesty. From the points made by respondents, two issues seemed to be foremost when considering the character of an applicant that went beyond issues of criminality (but were seen to be connected to it). One, whether he or she was seen to be able to 'control' the premises, and two, a demonstration that the applicant could be considered a 'business person'. As will be seen, the two issues were intimately connected in the minds of the regulators.

#### The perceived ability of a licensee to control the premises

In the previous section, the way in which licensees are made responsible for the control of external noise was examined. This criterion extends into other areas. The DoR, the LC

and the police were very concerned that the owner, or licensee, should take ultimate responsibility for what takes place on, or around <sup>9</sup>, the premises. In the case of one venue, George's Mexican Hut (a black owned and orientated premises that was closed in 1995), the owner had a particular problem in gaining hours extensions. On the 8<sup>th</sup> March 1994, the owner put in an application for variation of hours – an extension until 4am Thursday, 5am Friday and 6am Saturday. The council had received no residential objections, but the variations of hours were refused on the grounds of creating a disturbance (LC minutes 4/3/94 & 26/6/95). Over the year, although the council had still not received any objections from the public, Sergeant Brian Walters wrote three letters of objection, arguing that they had visited the venue ten times and had witnesses to the effect that music and dancing were taking place beyond agreed hours (Letters 10/1/94, 4/1/95 and 9/2/95 in the LC minutes 26/6/95). One letter argued that the owner 'treated the licensing regulations with disdain' (Letter 4/1/95 in the LC minutes 26/6/95).

After legal advice given by the council's legal representative, who argued they did not have a case to refuse, the variation was granted, although the owner had been given a formal warning (LC minutes 26/6/95). One month later, the licensing officer for the police again raised an objection on the grounds that the owner had been convicted at the magistrates' court for the sale of alcohol beyond permitted times, and was therefore not a 'fit and proper' person to hold a license. The owner argued that the breaches had occurred in a period of financial hardship, and other speakers explained what a valuable community resource the venue was (LC minutes 25/7/95). According to Sergeant Brian

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<sup>9</sup> Although this has been altered as a precedent when the courts ruled that an owner cannot be held responsible for what takes place on the premises if he or she did not know about it, the council is seeking to challenge the ruling (Colin Trace, Entertainment Licensing Officer DoR, 24/5/00).

Walters, the MET Licensing Officer, the venue was eventually closed down when the police took their own legal action against the club for contravening licence conditions. There had also been a stabbing outside the club. Ironically, the police viewed this as the owner's problem, in that the stabbing had taken place "at" the club and "nobody saw a thing" (Letter from Sergeant Brian Walters, MET Licensing Officer 23/8/00). The way in which the police attempt to bypass local authority control will be explored more fully in the following chapter.

The accepted rationale, however, given by the council for closing the venue was that the owner had lost control:

*He lost control...the manager must have control over the premises. We didn't actually refuse his license. He never renewed his license for whatever reason. But I understand that he actually lost control of the premises, y'know, from what I heard...for whatever reason, the police took their own...they must have had grounds for doing it and I think it was successful in court..(Colin Trace, Entertainment Licensing Officer DoR, 24/5/00).*

Before the stepping up of police activity, the council had attempted to deal with the problem by restricting hours. On two occasions, extensions were rejected by the council although the license was renewed, the second time after consultation with the borough solicitor (LC minutes 8/3/94 & 26/6/95). However, they did not really challenge the judgement and actions of the police in assessing the capacity of the applicant to run a venue. The owner did not have legal representation in court and he was found not to be a 'fit and proper' person (Andrew Wilson, Borough Solicitor, 27/1/00).

In another example, a ‘night-café’ (take-away)<sup>10</sup> in central Southview had been the subject of police attention and an objection to an application for a licence was made. The area was a noted drug-dealing spot and the police claimed that the premise was used as a ‘cover’ for drug dealing. The police had visited the place thirty-nine times and made five arrests (four for possession). The owner however, claimed that the police were being racist in that he had cooperated with the police and installed CCTV, but could not stop dealers and drug users coming in to buy food (LC minutes 14/12/99).

The emphasis on licensee responsibility for controlling a premise is a problematic one to both define and enforce. There is a question of how far an individual is able to intervene in difficult situations, as the example of the Mango explored in the previous chapter indicates. Moreover, whilst the venue owners interviewed for the most part claimed that they were able to control their premises, they had not had any direct pressure from the police which had been the experience in the case of the Mango, George’s Mexican Hut and the example of the night cafe. Is it really possible for a licensee to identify potential ‘criminals’? What could they do with that information once understood? There was a reluctance to seek help from the police in the above examples because of the fear that the police would not support them but close them down. The perception of a licensee’s ability to control a premises therefore seems to rest with the nature of police/licensee relations, as will be explored further in the following chapter.

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<sup>10</sup> In the period of research, a cursory view of the Licensing Minutes revealed that it was often the night cafes that were a subject of contention. I did not take notes at the time because the focus was wholly on clubs and bars, but in retrospect it might have been useful to take note of some of these trends, given that, with the domination of ‘white-orientated’ bars and clubs, a major focus for ethnic minority ownership and consumption is the night cafes, as observed in the field research.



Assessment of business competency in the criteria of 'fit and proper' person

The objection to a licence on the grounds of 'fit and proper' person also has strong normative connotations in terms of who is considered to be a competent business person or not. In the view of O'Leary, for example, who as illustrated before had long-standing experience on the LC, and was a strong supporter of the 24-hour economy, the ability to conduct a competent business was a key prerequisite:

*Well of course, because people actually do need to be paid... Yes, of course ... it's not a public service ... People don't go to pubs and clubs ... to have a second rate service, don't want to be told it's a public service, that's why it's second rate. They want a proper service. Ownership's not the issue ... I mean, if ownership were the issue, and somehow you are protecting ... some ... unsuccessful local people, who can't get their business act together, um, you'd be setting up an inefficient act, wouldn't you, that wouldn't succeed anyway, and would be in constant need of support and subsidy (Terrance O'Leary, former Chair of the LC and current Chair of the Planning Committee, Labour Councillor, 10/11/99).*

This comment was made in respect of the owners of the Mango, and reflects the level of conflict between different notions of function and ownership. What O'Leary was attempting to put forward was a normative model of a 'proper' business, whereas, as seen in the account by Ellison in Chapter Four (Dave Ellison, ex-Borough Council Planning Officer, 10/12/99), there were different criteria for ownership, for example, one of cultural significance and community resource.

In another interview, David Aspen, Head of the DoR, drew out the way in which business competency and orderly management work together, as also outlined in the section on health and safety:

*They're business people, um, many of the clubs we've got are big business and, many of the licensees, or most of the licensees are, uh, wanting to continue their business, and to do that, uh, they need to do it properly, so they're not really in the game of riding on the edge ... and they want to comply, uhh, often the premises have been modified to a very high standard, um, and they're very aware of the rules (David Aspen, Head of the DoR, 22/2/99).*

In this perspective, being a good businessperson meant a willingness to comply with the rules, to be 'on the same side', which has strong social order connotations. Conversely, being a bad business person meant falling prey to criminal activity, by either being involved in it, 'permitting' it to take place on your premises and again, seen to be losing control. As O'Leary commented, referring to the owners of George's Mexican Hut and the Mango:

*Great guy, great guy, lousy businessman. That was one of the problems with the Mango, got taken over by drug dealers, and the same with George's, lots of drug offenses went on. I'm sorry, but when you are presented with. I mean, everywhere there's drug taking, right? There's not a street anywhere that doesn't have drugs, but ... the scale of it. When you have the weight of evidence that is so enormous, it is irrefutable, it is beyond repair, that the very problem are the people supervising who ... lost the ability to cope (Terrance O'Leary, former Chair of the LC and current Chair of the Planning Committee, Labour Councillor 10/11/99).*

A question would be here how the evidence becomes so weighty or irrefutable (suggesting an important police investigation) and how the various scales of drug dealing, between normal and overwhelming, are also understood? However, as seen in the previous chapter in the case of the Mango, whilst criminal proceedings were brought against the owner, they were never proved and he was not found to be guilty. Nevertheless, the changes themselves were sufficient for him to lose his licence, whether

he was guilty or not. In another case described by a respondent, a licensee was accused of letting criminal activity take place on his premises. Drug dealing and some shootings had taken place, according to the respondent, although the licensee was never charged because he was not there at the time. At the committee meeting, the police made allegations that the LC decided to accept, and the licensee was declared not to be a 'fit and proper' person (Andrew Stevens, Chair of the LC, 25/11/99).

If a licence holder was not to be accused by the LC in the above way, they had to prove that they took "all reasonable steps" (Colin Trace, Entertainment Licensing Officer DoR, 24/5/00) to prevent what had happened. This meant mainly providing sufficient staff, surveillance, and security (searching people, looking out for drug dealers and making citizens arrests) to deal with the issue. Indeed, the police themselves specified conditions with which it is seen to be 'advisable' to comply, such as CCTV and the provision of police access to it at all times, and independent security staff, although they are not part of the council's conditions of license. These informal conditions were mentioned by Peter O'Brien and Nigel George of Zebra, and Neville Hampton of StarBar. As O'Brien put it:

*It's my strong impression that the only thing police are concerned about is drugs. So they like an involvement at the very beginning. They want to see that you have camera systems, they want to see that, if you use security ... I don't think they have the power to do any of this, by the way, but they are suggesting there could be objections if you don't put cameras in (Peter O'Brien, Co-owner Thai Heaven and the Zebra, 1/2/00).*

Again, as will be explored in the following chapter, this highlights the way formal and informal methods of licensee control intersect, and moreover, how police, and police

activity and subjectivity becomes pivotal. On the one hand, police investigations impact upon perceptions of control and ultimately business competency, whilst on the other business competency becomes an acceptable form of assessing the criteria of ‘fit and proper’ person. Themes of social order and market normalisation merge, and moreover are subject to, as will be explored next, processes that are unaccountable and perception-led.

## CONCLUSION

From previous chapters it could be seen that the police, and to a differing degree the council, had been conscious of the need, in their view, to make clear demarcations between acceptable and unacceptable venues. This in particular occurred with the way in which the police and council dealt with the shebeens, explored in Chapter Four, and the racialised way in which those premises were judged. However, it was also noted that all venues were considered to be social order problems up to the early 1990s.

However, in the context of deregulation that took place in the 1990s (which was a product of national discussions, local needs, the role of SCCL and committed individuals in key positions) the council became committed to extended hours as it sought to cultivate the night-time economy. In parallel licensing rules tended to become, in the view of the council, less arbitrary. The council perceived itself as simply playing the role of negotiator of local interests, specifically that of the night-time sector versus residents: between, as one councillor put it, “one person’s pleasure” and “another person’s pain” (Andrew Stevens, Chair of the LC, 25/11/99). To a large extent,

particularly in relation to noise, the council adopted a consultative position in the locality and was therefore bound by the limits of community tolerance.

However, extended hours was only permitted in certain qualified instances which reflected the way normative impulses intruded upon the application process. In particular, this involved, in the case of extended hours, noise, and notions of ‘fit and proper’ person, reflecting in their preoccupations an invigorated application of the concept of licensee ‘responsibility’. What is meant by responsibility, however? As nightlife has been incorporated into local strategic plans as an ‘economic driver’ seemingly normative notions of ‘business competence’ have been enhanced whilst at the same time nightlife retains its proximity to ideas of deviance, danger and a threat to law and order. Hence mechanisms of social control relate strongly to perceptions of who will be most competent in controlling their premises.

Essentially, those premises that were able to reach perceived standards of practice and behaviour (for example, of patrons) were seen as acceptable. Those who are not are seen as justly excluded. However, how are those ‘deviant’ premises and owners identified?

What are the practices and subjectivities that define the process of differentiation?

These more subjective themes, and informal channeling of power and control, are the subject of the next chapter.

## **CHAPTER SEVEN**

### **SUBJECTIVITY AND INFORMAL POLICING PRACTICES**

The regulation of licensing takes place on two levels, as outlined in the introduction to Chapter Six. There is a formal level in which it is possible to see an attempt to introduce notions of fairness and quasi-judicial norms in the criteria for the acceptability of an application. However, although measures are taken to standardise licensing practice, subjectivity, in the form of political interests and local prejudice, can intrude, such as that which occurs through noise regulation and in assessing the character and acceptability of an applicant. There are limits to applying ideas of fairness in procedure due to the myriad of different agendas that are incorporated within licensing practice. The attitude and motivations of residents in the objection process are an unknown quantity, but are significant factors in assessing a licensing application. The Licensing Committee (LC) and council officers, however, tend to view the acceptability of an applicant with regard to their ability to conduct what they view as a proper business, in line with business norms and practices. Moreover, there is a preoccupation with the ability of the licensee to control their clientele and the premises in general. The way such subjective themes are expressed in licensing practice is illustrative of new normalising themes of business legitimacy, licensee responsibility and behavioural regularity, as explored in Chapters One and Six.

As already pointed out in the previous chapter, there is another underlying level in which notions of fairness are bypassed or negated in practice. There are five themes that emerged strongly in interviews with council officers and the licensing committee, venue owners and the police. These five factors are orientated around how the regulatory powers feel themselves to be subject to forces outside their control and the way strategies are innovated

to re-establish that control. Moreover, a by-product of those innovations of social control is that notions of responsibility and irresponsibility, acceptable and unacceptable venue and cultures, become both operationalised (by licensing authorities) and internalised (by venue owners). Concerning the first point, for example, the first section examines how the perceived limited availability of material resources defines that way in which venues and licensees are differentiated, which pertains additionally to the perceived importance of co-operative relations between licensees and the police. With regard to innovations in social control, the second section refers to the way licensees themselves have inculcated notions of responsibility, which, as seen in Chapter Six and the first section of this chapter, emerges from the changing nature of mechanisms of licensing control. The third section refers to the perceived struggle between the LC of the council and the police over licensing decision making. The fourth section refers to the way in which policing practice bypasses the formal application procedure, and how the identification of what the police regard as ‘problem premises’ arises from a distinct and localised conceptualisation of social order ‘problems’. The final section will examine examples of how those strategies of differentiation have a social and racial focus.

#### THE PERCEIVED SCARCITY OF MATERIAL RESOURCES IN THE IDENTIFICATION OF ‘PROBLEM’ PREMISES

Both the police and the borough council expressed concerns about the limitations of resources for licensing administration. The number of licensed premises in the borough is estimated to be 917 liquor licenses, eighty-seven public entertainment licenses, fifty-four night cafes and 300 occasional public entertainment licenses (Department of Regulation (DoR) Report on the modernisation of licensing laws 14/6/00). According to one MET

Inspector's estimate (Andy Brightman, former Sector Inspector for Southview Metropolitan Police and present Community Liaison Officer, 24/7/00), this is an increase which has not been met by increased staffing levels. However, it is unclear as to whether this is an increase or not as previous figures are not available. Indeed, staffing was claimed by all the officers in Southview interviewed to have diminished in the last ten years. Within the council, similarly, there were previously ten officers used in some capacity to monitor licensing, in a borough that had very few premises with entertainment licensing. During the period of research there were five officers to deal with the growth of entertainment licenses, night cafes, gaming and nursing agencies (Colin Trace, Entertainment Licensing Officer DoR, 24/5/00). Although in this case too, previous figures were not available, the actual growth is slightly more verifiable in the case of entertainment licenses. This is because many of the public houses in the area previously had 'lock-ins', whereas in the 1990s on conversion to dance bars, they sought legitimate extensions of hours for which an entertainment licence is required.

Within the borough MET, there were three ways to deal with licensed premises. One, through administration, which involved two to three officers who oversaw the whole borough. Two, through Response Team Officers, that dealt with 'on call' issues (such as noise problems or fights), and three, through variously titled Community Officers, who engaged in local negotiations (Andy Brightman, former Sector Inspector for Southview Metropolitan Police and present Community Liaison Officer, 24/7/00). The Borough Inspector for Licensing, John Wilkinson, claimed that the enforcement of licensing matters was impossible due to resource problems. For example, he claimed that a typical night duty only has two Inspectors (and only an officer at or above the rank of Inspector is allowed to enter licensed premises). In addition, the borough is viewed as being sixty officers under-



strength, meaning that most of the night duty were dealing with other matters and could not police disorder and licensing premises at night (John Wilkinson<sup>1</sup>, Licensing Inspector, 25/7/00). Indeed, the support for 24-hour licensing expressed by the two licensing officers of the MET interviewed was connected to this understanding that the borough MET is under-resourced, in that staggered closing times was viewed as a crowd containment measure (Lovatt 1994).

It is impossible to estimate the reality of resource distribution, and it is open to dispute as to whether local agencies are under-resourced or not. However, the fact of the perceived scarcity of resources means that selectivity of regulation of policing is operationalised. Brightman, for example, was open about the fact that the police classified premises according to Category A (“problem premises”), Category B (occasional trouble) and Category C (ones that are never heard from) (Andy Brightman, former Sector Inspector for Southview Metropolitan Police and present Community Liaison Officer, 24/7/00). It is Category A venues that receive most of the attention:

*What we try to do, like everyone these days, is target what limited resources we've got. You can't spread yourself over one hundred premises. So you basically focus your efforts on Category A, in terms of visits and law enforcement issues (Andy Brightman, former Sector Inspector for Southview Metropolitan Police and present Community Liaison Officer, 24/7/00).*

So it is Category A venues that preoccupy police time, but how do pubs or clubs become classified as Category A? According to the officer above, pubs may receive attention by the number of complaints from residents, from which point the police will begin to investigate whether the area has also been subject to other kinds of disturbances, even if not

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<sup>1</sup> Wilkinson was an Inspector in overall change of licensing in the borough.

specifically within the premises itself. In one example described by the officer, the police eventually, after some investigation, objected to the extension of hours for a particular premises after it was identified as Category A:

*One which came to our notice in terms of letters of complaints from local residents in terms of noisy, after hours drinking, fights, in music venues noise disturbances until three or four o'clock in the morning, and then you start looking into it. You can search to see if there's lots of call out to fights in and around you, so the locals were up in arms (Andy Brightman, former Sector Inspector for Southview Metropolitan Police and present Community Liaison Officer, 24/7/00).*

It is residential complaints and call-outs to the police over noise and disorder that influence the extent to which a venue is identified as problematic, although the police themselves send mixed messages about this. Brightman, for example, argued that calling the police to deal with a problem wouldn't be "viewed as a weakness" and 'wouldn't be held against [the licensee]" (Andy Brightman, former Sector Inspector for Southview Metropolitan Police and present Community Liaison Officer, 24/7/00). However, he noted that in most cases of problems at venues, it is a customer that calls the police, and rarely the manager, and given the way in which problem venues are identified this is unsurprising. The police, as seen previously, have used the extent to which they have had to visit a venue as a reason for objecting to entertainment licenses (for example, in the LC minutes 26/9/94, 16/6/95, 14/12/99, 16/2/00). According to the account given by Brightman, however, this apparent contradiction may be a result of what messages the owner is perceived as giving out to the police. For example, he stated that:

*..if you don't call the police and you start to exclude the police our experience is that it creates a problem that tends to escalate and becomes worse..(Andy Brightman, former Sector Inspector for Southview Metropolitan Police and present Community Liaison Officer, 24/7/00).*

In essence, as shall be seen, the perception of the police is that they want involvement, and the idea of licensee autonomy is viewed as problematic with regard to the control of problems such as noise, crime and disorder. However, the idea that licensees will not court problems if they go to the police is not proven by experience in all cases. While some licensees, such as Peterson of the Dome, claim that they are not afraid to go to the police, the experience of others, such as George's Mexican Hut, suggested the opposite result from entanglements with the police. It is possible therefore that Brightman was expressing a more 'liberal' strand in the police, not borne out by actual licensing practice elsewhere.

One other consequence of the perception of limited resources concerns the Category C premises. According to Brightman, "local clubs" (that is, those based in the centre of Southview) were perceived by the police as having few issues to deal with because of the co-operative relationships established between them (Andy Brightman, former Sector Inspector for Southview Metropolitan Police and present Community Liaison Officer, 24/7/00). According to accounts given in the next section, the perception of licensee 'responsibility' meant that club owners perceived themselves to have greater autonomy. Those club/bar owners that were 'trusted' were less likely, for example, to receive visits from MET licensing officers, a factor that was not lost on local club/bar owners, as the following describes:

*They haven't been back in the six months we've had one [an entertainment's license], and, um, um, maybe they don't [visit] for a building like this. I know them all very well, um .... I've been going there for 20 years and always had a very good relationship with them, and never been, I've never had a slap on the wrist never mind any kind of prosecution, so if they're looking at priorities, I suspect I would be way down on the list for a visit (Peter O'Brien, Co-owner of Thai Heaven and Zebra, 1/2/00).*

Hence, it is not only that problem venues are identified as a product of the number of complaints that are made and the number of visits made by the police. Club owners who have already established co-operative relations with the police are less likely to ever receive a visit from licensing bodies. This is a product of the way in which resources are perceived to be limited, defining the differentiation between problem and unproblematic premises. The priority is then placed on issues of trust, responsibility and subjective and impartial<sup>2</sup> assessments of what is perceived to be a problem. It also adds to the reluctance of venue owners to use police resources if they have a problem, particularly if they do not trust the police in the first place, as can be seen in the case of the Mango and other cases to be explored later in the chapter. In the next section, however, the relevance and impact of the emphasis given to co-operative relationships between the licensing authorities will be considered further.

#### THE IMPORTANCE OF ESTABLISHED RELATIONSHIPS

One of the issues to emerge strongly from the research in relation to licensing is the emphasis put on negotiation between the licensing authorities and the licensee. Although the licensee is subject to special legislation that demarcates their business as a perceived social order ‘problematic’, their status as a business also entails that efforts are made to negotiate solutions to those problems. This is not a controversial idea. It is generally agreed by all parties that even in cases where licensing law has been broken, negotiation is

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<sup>2</sup> Or at least can be described as inefficient or ill-considered.

the first resort. Hadden of the Clubs and Vice Unit (25/3/99) particularly stressed this, for example.

In addition, local authorities no longer wish to discourage night entertainment per se, and so measures are taken to bring premises within the remit of regulatory procedure. I have already examined the degree to which the perception of limited resources and the threat of legal action influence licensing bodies. What seems to emerge from all these factors is that a reliable measure for the regulatory bodies in responsible licensing practice appears to be whether the licensee is a 'known' quantity or not. Practically all of the licensees interviewed mentioned this process of informal negotiation and the need to establish good, co-operative relationships with the police and the council. Marriot, of Club 99, for example, argued that as a consequence of serving, what was seen by her as, an 'apprenticeship', she now had better relationships with the police than previously:

*There was never any help, not like there is now, with the police who understand that there are social problems and you can go to them with advice, for help and, y'know, to get things better. In those days you didn't mention anything like that to the police, otherwise they would, ught, close you down, "you must be part of it". So we've done a seven-year apprenticeship to prove to people, no, no, we're not these, what you're presuming us to be. We're not like that, and now, 15 years on, everybody knows us and things are ticking over nicely (Jane Marriot, Co-owner Club 99, 10/11/99).*

However, such good relationships are not simply a product of longevity, but the extent to which club owners and licensing bodies serve a mutual purpose. That is, club owners themselves have no interest in breaking the rules because their primary purpose is to conduct a business. Control over the premises and the preservation of order is very much

seen as a property of that working relationship, a factor that those established or favoured club owners seem to have absorbed:

*The relationship we have to the council is very good. We have a relationship with all sorts of different areas of the council, from councillors who chat to us and come in for drinks... to the licensing officers who of course we liase with, with regard to any changes we want to make in the club... with local police, community groups and so on... we feel we know what we're doing, and when we're not sure, we liase closely with the authorities. We're not scared to. A lot of clubs... perhaps are, but we don't have any qualms about liasing closely with the police and fire officers and licensing authorities.* (Bon Hatchett, General Manager of the Dome, 24/2/99).

*If there's a problem, you've got to help, and I think that's what the authorities like about us* (Jane Marriot, Co-owner Club 99, 18/11/99).

*We're as helpful as we can be to them, and they're as helpful as they can be with us... Most of the licensees around here get on well with the police, because, basically, we're all on the same side. Our real problem, our common interest, is to make sure the streets are safe for our customers, because otherwise they won't come. The council are very similar. They just want things to get better, so anyone that's helping things get better they're pretty keen on* (Neville Hampton, Co-owner Star Bar and Prayer, 29/2/00).

Hence, for those premises that are seen as 'legitimate' by the authorities (as a product of their co-operation and economic usefulness), the issue of licensing seems relatively uncomplicated. Indeed, Hampton reiterated throughout the interview that the process was "fairly" or "very straightforward" (Neville Hampton, Co-owner of StarBar and Prayer), 29/2/00). Whilst as seen in Chapter Six, some owners complain about costs, they are generally accepted as legitimate and the owners seem to have gone to great lengths to suggest possible changes to the regulatory structure. For example, John Peterson, the co-owner of the Dome, is a member of the British Entertainment and Discotheques Association (BEDA) that works in partnership with government over innovating new forms of regulation and in turn lobbies for extended hours and other business benefits. Peterson

was not alone in recognising the benefits of inculcating good relationships with government. All the licensees stressed that they had good relationships with the council and the police. Hampton, however, pointed out that this was a definite strategy:

*..we try and make sure we know the councillor in our ward, the councillors generally, to have a direct line to them, and the police, and everyone else... relevant, y'know (Hampton, Co-owner StarBar, 29/2/00).*

The preservation of co-operative relations was seen by those licensees interviewed as key to autonomy over problems and practice. For example, whilst in some premises, attempting to deal with problems of disorder, such as fights, autonomously is viewed as problematic (and may come up at licensing review), at others they are seen as unproblematic:

*We attempt to deal with things (fights) ourselves. But then again I've got a good relationship with the local licensing officer. I went and had many conversations with him before ... opening up here [Thai Heaven] (Peter O'Brien, Co-owner Thai Heaven & the Zebra Bar 1/2/00).*

The 'conversations' in question related to disparate topics such as installing CCTV, handing over dealers, providing 'drop boxes' for drugs and security (these issues were mentioned by Hatchet, O'Brien, Hampton and Peterson) or making structural changes to clubs spaces such as reviewing visibility in toilets and altering lights over the bar (this aspect was mentioned by Hampton). As such, then, if licensees express a willingness to work with the police on the basis of structural and staff security alterations, they tend to be left alone even if committing infractions for which other premises are held to account. One club pointed out that it sold alcohol beyond permitted hours regularly, and two of the clubs that found licensing an uncomplicated process were also observed to do so. It is probably the case that the police know about this. However, police knowledge and public knowledge

have different dynamics. Even if such practices are accepted in the locality through simply ignoring it, it does not mean to say that if ever made an issue, the licensees, no matter how well established, would not find themselves having problems. For this reason, I have not mentioned the names of the two venues where this occurred. These kinds of infractions were seen as an acceptable risk because of the good relations established, in this case:

*We get away with it because they know we actually do a very good job. They know we look after our public, we don't have drunkenness, we don't kick a lot of people out on the streets, there are no fights. Its all very well controlled... On top of that, because we do deal with the police on the drugs side of things, um, people are handed over, and so on, they're fine. They get more arrests out of us, I think, than they probably do on the streets.. (Nigel Douglas, The Zat Club, 12/10/00<sup>3</sup>).*

The problem of police visits in this case were dealt with by an early-warning system apparently used by the police themselves, where club owners were able to organise themselves due to the length of time taken by the police to enter the club:

*I think there's a general understanding they'll, y'know, saunter to the door, which everybody sees, and then the message goes out, and by the time they've got to the door, had a chat to the manager, by the time they've walked into the club then everything's cool (Nigel Douglas, The Zat Club, 12/10/00).*

The degree of autonomy established over practice in one case described extends to the de-facto replacement of the police role with that of security. Peterson, for example, noted that it is his well-organised security team were more effective in catching drug dealers or dealing with problems of violence, to the extent that, in one example, they actually bundled

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<sup>3</sup> As said, this was mentioned by one of the club owners but for the above reasons shall remain anonymous.



one violent punter onto a police van after the police had lost control of the person (John Peterson, co-owner of the Dome, 11/5/00).

However, the level of autonomy granted to these owners seems over-stated, because the autonomy expressed by licensees could simply be represented as self-regulation or the internalisation of disciplinary strategies (Foucault 1980), that is, are only given autonomy to the same degree to which they follow police and council guidelines and instructions. In the case of one anonymous<sup>4</sup> manager, for example, the parameters of power were made clear. The manager refused to install CCTV (on police instruction) in his premises and as a consequence of this (and other factors) had problems with a licensing application. Three club owners interviewed, Peter O'Brien, Jane Marriot and John Peterson, talked extensively about health and safety measures, noise pollution safeguards, and building restructuring that they had introduced. In the case of Marriot, for example, in discussing how materials must be fire retardant, she veered between explaining these measures out of personal "choice rather than being told" because of health and safety concerns, and the fact that if a problem occurred they would be closed down:

*..the only people who will walk in and say "you are closed", and the music comes off and everyone empties out, are the authorities, but I respect them and fully understand why (Jane Marriot, Co-owner Club 99, 18/11/99).*

To a large degree, therefore, venue owners had simply inculcated the parameters of power in the locality and re-represented this as autonomy. The key point, however, is that power is exercised by the imposition of self-regulation. The licensing bodies 'trained' licensees to comply with particular elements of the law that were of interest in the locality. Moreover, it

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<sup>4</sup> The reason for this anonymity will be explored in the last section.

was seen as a priority by club owners that good relations should be established with the licensing bodies, otherwise sanctions would incur. This created a strong normative pressure in the licensing process for those that get to the application stage. As shall be seen, however, the reliance on co-operative relationships as a form of management breaks down in the case of applicants who are subjectively considered to fall short of some desirable standard. This will be examined in the last section. The following section, however, will explore another power fissure that impacts upon the informal negotiation of licensing and the policing of space.

#### THE DIVISION OF LABOUR BETWEEN THE COUNCIL AND THE POLICE

As described in the previous chapter, while the council is predominantly responsible for health and safety and noise and nuisance issues, it is the police who are relied upon to provide information as to potential crime and disorder issues in relation to a venue. The council, as already seen, has some element of concern about the establishment of fair practice in relation to the growing business orientated ‘night time economy’, particularly in relation to the possibility of being sued by a more wealthy and ‘rights’ conscious business sector.

From interviews with LC members and licensing officers of the Directorate of Regulation (DoR), the division of labour between the police and the council was viewed as a difficult one to mediate. One council licensing officer pointed to the fact that, while previously the evidence presented by the police was taken as unproblematic, the LC now demanded to see ‘evidence’ that the objections from the police could be substantiated:

*We would ask them what action... have you got any successful prosecutions. Which is a good yardstick to measure it by* (Colin Trace, Entertainment Licensing Officer DoR, 24/5/00).

The Chair of the LC, Andrew Stevens, stated after the interview that the police were often quite unhelpful and presented cases and wrote letters that were often “full of holes” and unsubstantiated (Andrew Stevens, Chair of the LC, 25/11/99). Hence there was a perception that there was a problem with police evidence and that the LC and officers were looking for some formal system of evidence beyond simply the ‘word’ of the police. As Steven Rogers, the Deputy-Chair pointed out, the failure to be rigorous in presenting evidence could have devastating consequences:

*Police objections are equally valid as long as these objections are justified. There was one particular case where the police objected. The applicants said you’ve got it wrong. I wasn’t happy with the situation so I asked for the case to be suspended until the next meeting. The police then came back to us and said, oops, we’ve got the wrong premises. We could have ruined a business if we had not taken that action* (Steven Rogers, Deputy Chair of the LC, 9/12/99).

However, this does not extend necessarily to rejecting the advice of the police in licensing applications. While the committee members and council officers who chose to comment on the issue expressed unease about information given by the police, nevertheless they were reluctant to directly challenge that information:

*Their concerns are very important to us. I mean, if they can demonstrate that there are real problems about a venue, then we would be very ... foolhardy in granting a license. As I say, there are problems when they have presented information which is ... not followed through on, so when they say things they don’t always ... they can’t always back up* (Andrew Stevens, Chair of the LC, 25/11/99).

There was one observable example where the police were challenged, by a member of the committee, for their “negative” attitude. The owners of the Dome applied for an extension of hours from 6 to 9am on a Saturday night, and it was noted that no complaints had been received about a similar extension on the Friday night. The licensing officer for the MET, Sergeant Brian Walters, objected to the extension on the grounds that it was ‘purely commercial. The Dome is hoping to counter clubs with longer hours in central London’ (LC minutes 29/11/95). He also rejected the argument that this would ease order and congestion problems, a point that he had revised by 1999, as seen in Chapter Six. For the Dome, the manager at that time argued that they needed longer hours to compete and to bring resources into Southview. The objections of the police were rejected by the LC, the vote was two to four in favour of the applicant. O’Leary was noted in the minutes as arguing that they would ‘raise concerns about the negative nature of the police objection with senior police officers’ and that ‘members were of the opinion that the Dome management should be congratulated for their commercial enterprise’ (LC minutes 29/11/95). The Dome received no more questions concerning hours extensions for a considerable period of time (LC minutes 1995-9).

However, the conflict here concerned a well-established club with strong connections to the council. Moreover, the objections raised were ones that could be considered as outside of the polices’ remit, given that nationally the police had already accepted the argument in favour of late opening and therefore outside of the scope of law and order concerns at that time. However, when the nature of the objection pertains to potential disorder or criminality, the council is much more reluctant to challenge police information. For example, in one case described by the Borough Solicitor, an application for a 24-hour licence for a night cafe was challenged by the police who claimed that drug pushers used it

as a place to hide. The LC turned down the application, but the dilemma experienced by the committee was described by the Borough Solicitor:

*It puts members in an intolerable position, because they couldn't really grant the licence on the basis of knowing that. They turned it down. But, you cannot get anything but hearsay off the police, that's the problem. "You haven't prosecuted anyone"? "No". "Can we see your intelligence reports"? "Sorry, no, data protection, you can't see any of it, but there were loads and loads of reports". That puts us in an awkward position (Andrew Wilson, Borough Solicitor, 27/1/00).*

In another example described by Trace, a licence was granted for a reggae event at a local community centre. At the time, the police did not object. However, they objected afterwards on the basis of potential disorder problems, but with information that the LC never received. Given that the licence had already been granted, the police approached the management of the community centre to cancel the event:

*We look at it strictly as music or dancing or whatever. However, if the police raise concerns about public order, the council would have to take a policy, take that into consideration, because whether or not we issued a licence, the police could stop the event anyway if they so wished (Colin Trace, Entertainment Licensing Officer DoR, 24/5/00).*

The use of informal or independent action by the police will be discussed later. It is interesting to note, however, the extent to which the council feels itself to be limited in its remit. The above statement is really an expression of powerlessness. The feeling that the council has limited powers to question the police on issues of crime and disorder and evidence, and a lack of ability to control the independent actions of the police. Ironically, however, the police officers interviewed also expressed feelings of powerlessness and a limited remit of action against venues. They tended to regard the council as untrustworthy allies as they were felt to be motivated by concerns that differed from the police, such as

fear of legal costs and the desire to promote business. One senior officer of the Clubs and Vice Unit, for example, commented that in general the police felt there was a lack of support from the council:

*...some authorities are less than robust, and that's frustrating. When you've put a lot of work into it, and you're supposed to be working in partnership, yes, and you don't get the support. Others couldn't be better... "police objection? No further argument. Next." (laughs). A different thing, depending on who you're dealing with (Tony Hadden, Clubs and Vice Unit, 25/3/99).*

He argued also that the tendency for the council is to change the conditions of a licence, rather than revoke a licence altogether, because of the fear of legal costs. Walters, also, mentioned that he felt the council are reluctant to revoke licences because of their political role:

*...the local authority don't want to be seen to be nasty. I mean there's votes in it, y'know. You gotta remember, their purpose is to get in the next time, isn't it... um, so it's easy to go that way (Brian Walters, MET Licensing Officer, 7/5/99).*

In response to this problem, the officer claimed that although they made objections in the LC in relation to entertainment's licensing, it was often easier to revoke licences in the magistrates' court:

*It's often easier to go to court and do it [revoke licenses], although it's more expensive. You're more likely to get a favourable hearing from the court than possibly from the local authority (Brian Walters, MET Licensing Officer, 7/5/99).*

Ironically, as seen previously, it is the perception by the council that the magistrates' court only considers legal issues that has served to limit the LC's judgement. Yet the police feel

that it is only in the magistrates' court that they are given a hearing. Is it impossible to assess the accuracy of each claim, because access to court records was denied. However, such mutual suspicions between the police and the council appear to relate to the degree to which the police must, and often fail to, maintain standards of evidence. Ironically, while the council still mostly accept police objections except in limited and known cases, the police feel that they should not be called to account in this way, or indeed in any way. As seen in the following section, this is possibly why the police adopt informal and independent forms of assessment of applications; although such causal connections were not directly referred to by the council.

#### BY-PASSING THE FORMAL APPLICATION PROCESS

According to interviewees from the MET licensing section and council officers, the reality of the licensing process is that many of the negotiations take place before any application has been made. In the case of the council officers, however, there were differing accounts of under what circumstances applications would or would not go to the LC. It was claimed by one council officer, for example, that only contested applications go to the LC (that is, where objections have been lodged). Otherwise, applications are simply accepted by the council officer concerned (Andrew Wilson, Borough Solicitor, 27/1/00). Ironically, however, this response came from a question of mine in which I asked why there was no record of the StarBar's initial licence application. Wilson told me that because it was uncontroversial it had not gone to committee. However, other uncontroversial applications, renewals and extended hours go to committee, so can its absence be explained in this way?

In another account, I was told that potential applicants will approach the council office prior to making an application to negotiate as to what may or may not be acceptable. For example, council officers may advise the applicant that the hours being asked for will never be likely to be passed, due to the area, potential complaints and so on (David Aspen, Head of the Department of Regulation, 22/2/99). Such an approach, for the council, is justified on the basis of expense, as 25% of the fee for making an application is automatically retained (Colin Trace, Entertainment Licensing Officer DoR, 24/5/00).

Whether there is an actually agreed practice in the council is unclear therefore. It is possible that the lack of transparency, however, does account for the way in which local suspicions are aroused and rumour generated. As outlined in Chapter Four, whilst attending a meeting in the locality that I had been invited to by the Town Centre Forum I encountered three women from a residents associations who were clearly suspicious about the closure of the Mango and the way in which the StarBar was opened and managed. One of these women, for example claimed that the StarBar had paid an officer £6000 for their license, and that they had obtained the documentation to prove it (4/12/99). The truth or otherwise of such allegations is not open to discussion. However, it does illustrate that local rumour and suspicions exist.

In two interviews with the key<sup>5</sup> licensing officer for the MET, Brian Walters, it was claimed that the same, or a prior process, takes place with the licensing department of the local MET. A potential applicant in the area will go to the licensing officer for the police first, before making an application, to make a request to open a venue, normally via a

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<sup>5</sup> In the sense that, as will be explained later, this officer appears to have acquired primacy over other officers in the licensing department due to his superior knowledge.



solicitor. The police then work closely with those solicitors and if the police then reject the request, the solicitors, according to the licensing officer, will normally accept this, as the police and solicitors have a “good will that no-one wants to break up” (Brian Walters, MET Licensing Officer, 12/10/00). Walters claimed that the police got what they wanted and, even if it was contested by the applicant, they then got what they want in court. However, according to this officer, requests normally “disappear” and have only been contested two or three times (Brian Walters, MET Licensing Officer, 7/5/99). As he stated;

*Most people come to us really, they tell us what they want, we find out what they want, and ... away they go. We can't ... its very difficult to stop these places, but where we can we do .. we do, y'know, we'll find a reason to stop them if we feel we have to. There hasn't been that many we've had to stop, but if we need to, then we'll find a reason to stop them* (Brian Walters, MET Licensing Officer, 7/5/99).

The grounds for the police rejecting a request or objecting to an application are vague and rely on the judgement of the officer concerned. One of the judgements made is as to the “type of person”. This not only relates to an actual criminal record, but also a perception of association with criminal activity or a “history of criminal activity” (Brian Walters, MET Licensing Officer, 7/5/99). In one case described by Walters, a venue had been closed after a “number of shootings”. A woman came to him to request to re-open it, but was, according to this officer, associated with a “criminal” (a man who had been tried for murder, been convicted, but had been freed on appeal). Walters told her that she couldn't re-open it, but she appealed. After the police argued in court that it could not open on grounds of its previous history, that the woman was employed<sup>6</sup>, that she associated with “criminals” and

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<sup>6</sup> Meaning that she would not be present at all times to supervise.

that the place would become a centre for criminal activity, she lost the case (Brian Walters, MET Licensing Officer, 12/10/00). In essence, although criminal ‘associations’ were not proven legally, this becomes a factor in licensing practice and can influence the outcome of an application. As seen previously in the case of the Mango and other night venues, it was felt by the local police that because drug dealers and users operated out of night cafes, public houses and bars, then this was evidence of collusion between the management and dealers. Formally this is dealt with under the auspices of ‘fit and proper’ person. The issue becomes one of potentialities, as opposed to actual occurrence, of crime or disorderly behaviour. Hence, the police also assess what is referred to as the ease of access for the emergency services (that is, design features and obstructions), the “likelihood of disorder”, the potential for drug dealing to take place, in particular, the potential degree of collusion with management and security, and the kind of entertainment on offer:

*We’d be looking at the type .. what they want to put on in there* (Sergeant Brian Walters, MET Licensing Officer, 7/5/99).

This latter issue will be dealt with in the latter part of this section. What is of interest here, however, is the degree to which the police only assess possible future occurrences. As seen previously, one of the ways in which they attempt to assess this is through establishing a harmonious relationship to the club owner (as also seen in the second section of this chapter and in Chapter Five. As Hadden of the Clubs and Vice Unit pointed out, the emphasis was not necessarily on the application of the law, but on the ‘proper management’ of the premises, as they saw it:

*The whole way we work is on a co-operative basis to help them try and run the club properly, as we see it, and not beat them over the head with the myriad of rules and regulations that do exist... with the public*

*entertainment's licenses or the liquor licenses there's a million rules you can break, but that's not really the idea* (Tony Hadden, Clubs and Vice Unit, 10/11/99).

Licensing, in this conception, has little to do with the law and more with maintaining close links with managers or the licensee, and, moreover, relying on the fact that the first priority of the licensee is to maintain the licence. As such, then, through the application of force and negotiation, licensees are brought within acceptable standards of 'order'. The police will not necessarily seek to enforce all laws. Rather, they use the principle of discretion in their dealings with club owners. The purpose is to maintain an acceptable level of order using selective aspects of legal judgement. He explained, for example, that although they arrested dealers in clubs, the purpose was not to detain the dealer as such, as they were merely "pond life". Rather:

*What we are trying to do is send a message not necessarily to their peers but to people in the club scene, because the only people who can really affect what happens in clubs is the management of the clubs. Now, when we arrest someone in a club, if the way a club's being managed is sufficiently bad, we will go for the licence. If you take away somebody's licence, that gets around the club scene, and it's only a little community after all, that sends a message, and we try to get that sort of leverage* (Tony Hadden, Clubs and Vice Unit, 25/3/99).

As a consequence, much police work orientates itself around maintaining pressure on the club owners which is seen as key to the management of space and the containment of disorder. From initial informal meetings prior to the application process, the concern with what kind of event takes place inside a venue, the rejection of applications because of criminal associations and through the use of discretion, the police are able to control the use of space. Logically it seems that the police feel that by controlling space, criminality and the spaces in which they operate are also by association will be contained. For example, in

an anti-drugs meeting, the Commander of the borough MET said that they were intending to pursue a strategy of filming suspected street robbers as a preventative measure. In this way, he said, they would be “occupying the space” of criminals and that was “all the police could do” (4/12/99). Even if not consciously acknowledged by licensing authorities, this would appear to be the substance of the current licensing function, and indeed the role of the police as a mechanism for maintaining social order and particularly order over ‘problematic’ social groups has been referred to elsewhere (Storch 1976).

The problem arises, however, in the subjective understanding of what constitutes a potential disorder issue in relation to venues. In the case of the Mango, for example, even if there was no evidence of actual criminal activity from the management, as seen in Chapter Four, the venue was nevertheless closed by agreement between the brewery and the police. Moreover, the police interviewed several prospective owners before the Star Bar syndicate was permitted to take over the management. While the Mango attracted attention from the police for drugs and other minor infractions of the law (which was never traced to the owners but simply to the clientele, as seen in Chapter Four), the StarBar operates with little comment despite local accounts of cocaine parties in its early days from the clientele at this time. Two interviewees who had visited the Star Bar talked of private parties with large amounts of cocaine usage in the upstairs of the venue (Field notes 1998-99). Another academic client said that he had been offered cocaine on the door (11/4/98). Rumours persisted of the owners’ cocaine habit, which emerged from the discussion with the three residents (4/12/99) at the anti-drugs meeting.

In one sense, this could be a product of the different time periods in which these venues were operating. It is only very recently, for example, that sections of the national police

force have expressed the view that some drugs should be decriminalised or even legalised. Indeed, Brightman, the former Sector Inspector and present Community Liaison Officer, expressed this view in a private conversation (4/12/99). However, in interviews with the key MET licensing officer, Brian Walters, broader preoccupations with particular communities and criminality were expressed, which impacted upon the perception of his role as a licensing officer. What then constitutes a social order problem for the police in relation to venues? How far do policing priorities focus on the specific issue of proven illegality or are general social order perceptions and priorities operationalised in licensing practice? The last section will focus on this question, looking at the different accounts by the police of what constitutes a social problem in licensing practice, specifically the way in which racialised discourses inculcate themselves into that practice.

#### RACIALISED DISCOURSES IN LICENSING PRACTICE

According to accounts by club owners, such as John Peterson (11/5/00) of the Dome and Nigel George (24/5/00) of the Zebra, there were very few problems with what can normally be described as corruption, such as protectionism. This was not always the case. Peterson described a series of events in the early '80s when the licensing officer came round to collect Christmas favours, and, when he was rejected, the club found itself being raided three weeks later for not serving food, which was at that time part of the licensing condition. However, the favour sought was minor (John Peterson, Co-owner of the Dome, 11/5/00).

In the contemporary scenario, however, according to Peterson, if a policeman was going to be corrupt, then the money would be in drugs, not protection, because it was a more

efficient way of accessing large amounts of money. However, he again claimed that that was not a problem in the locality in relation to clubs. Rather, two sources, Martina Drake (30/9/99) of the Small (Black) Business Forum SCCL, and Sam Wilkins (30/6/00) of the Sunrise Bar<sup>7</sup>, referred to the way in which there was a perception amongst sections of the black population that black-owned premises or black events were more likely to be denied licences compared to white-owned or white, culturally-orientated events (see Chapter Five for an examination of how cultural divisions can be spatially understood). Wilkins, in particular, said that he felt that the MET Licensing Officer, Brian Walters, was a racist who had too much personal power. What is the evidence for this?

The administration of licensing in the borough Metropolitan Police is organised by two to three officers. Although there was, as part of this team, an Inspector in overall charge of licensing administration, the Inspector himself argued that the licensing laws were so complex, the licensees knew more about it than he did. As such, he handed over all responsibility for administration to the Sergeant in the team, Brian Walters, in what he described as a “100% delegation” relationship (John Williamson, MET Licensing Inspector, 25/7/00). This officer therefore, although not in charge as such, wields considerable power in the borough due to his expertise.

Walters seemed to consider himself closer to the locality, and to be acquainted with cultural differences as well as the nature of local criminality. In the two times we met, he struck me

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<sup>7</sup> This is in fact an additional pseudonym for a club owner already mentioned. The reason for this additional measure was the level of fear of police reprisals exhibited by this interviewee, which extended also to warning me about the implications of my research for my own safety.

as an ‘old school’ officer – a person willing to use his own ‘common sense’ as he perceived it to be. A number of owners commented that they often had a drink with Walters in their venue<sup>8</sup> (so the ban on visiting local venues for those with powers of decision making had not reached the local police). He also seemed to consider himself to be a ‘practical joker’ and a ‘beer drinker’. On one visit to his office, he had anti-Europe/save the pound posters on the wall, and, on a whiteboard which listed various licensed venues, someone had written ‘I hate rap’ in the corner (12/10/00).

For Walters, there seemed to be a strong connection in his mind between the black population and criminality. In a letter in which he had responded to a request for further information on the history of police activity in relationship to night venues and shebeens (see Chapter Two), for example, he wrote the following:

The young blacks of today are different that those of the 70s/80s they rarely drink and listen to a different type of music. They still organise unlicensed events, but they tend to be for music and dancing and drink is not a factor. Unfortunately there can be problems at such gatherings and violence is never far from the surface. Drugs such as crack cocaine and ecstasy are a feature and part of everyday life.

Such events are often held in premises that are totally unsuitable for the numbers attending. At one show a couple of years ago over 2500 people got into a premises for 750.’ (Brian Walters, MET Licensing Officer, letter 23/7/00).

A comment on the Mango was also included in the letter:

It was known all over the world as a meeting place for West Indians and for people wishing to buy drugs it was an absolute banker (Brian Walters, MET Licensing Officer, letter 23/7/00).

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<sup>8</sup> And indeed attended the opening night of the StarBar (Walters 12/10/00).

In fact throughout the letter the issue of ‘black criminality’ is referred to frequently, and it seemed as if he could not mention the idea of black orientated venues without referring to some inherent criminality that would undoubtedly be going on there. According to his perception, there were two problems for black venues that explained their absence in the locality. One of these, as described already, was that young black people did not drink, and older black people drank slowly, therefore naturally such places would be less profitable. Moreover, he argued that some black events represented more of a disorder problem. This, he suggested, was because such events could get more out of control given that blacks, he said, were prone to sudden, extreme acts of violence. In this he was comparing white gangsterism of the organised, family variety to black gangsterism, which he viewed as more individualised and spontaneous (Brian Walters, MET Licensing Officer, 12/10/00).

This kind of everyday racism, the association of particular communities with criminality, is, of course, common and not the prerogative of one police officer (Graef 1989, Holdaway 1996, Macpherson 1999). Particularly in Southview, such common associations occurred throughout the 1980s and indeed provoked intense debates as to whether, pragmatically, it was possible to see a relationship between black culture and crime (Lea and Young 1984, Keith and Murji 1990). Indeed, such perceptions were not confined to the police, but had extended into the perceptions of some club owners interviewed. Both Jane Marriot (Co-owner of Club 99, 18/11/99), and John Peterson and Sarah Waites (Owners of the Dome, 11/5/00), claimed that particular black events, like rap, reggae and ragga, were difficult to



control because people would let off guns<sup>9</sup>, abuse the staff or had bad attitudes to women, clearly seeing them as a greater liability. In the case of Club 99, they did have reggae nights in the 1980s but a combination of trouble, falling numbers and unspecified police pressure compelled them to change to rave nights (Marriot, Co-owner of Club 99, 18/11/99). In reference to the latter point, Marriot said merely that the police didn't want her to put on reggae events, although has been asked recently by the police (although it unclear who) to put a couple on. As she said, 'They didn't want us to do it then, now they want us to do them...they've actually suggested it, but in conversation; "it's a shame there isn't one". I don't pick up the hint'. For Marriot, there was a definite perception that rave events are less 'trouble':

*... we knocked the reggae on the head. It's not that we wanted to, it was more of...the way things had gone, and numbers had dropped and dropped and dropped, that financially we had to do something to survive, so we then got involved with the house music, the acid music, at the end of the 1980s, beginning of the 1990s, and we got into that and it's so much easier to control... (Jane Marriot, co-owner Club 99, 18/11/99).*

Peterson and Waites, of the Dome, were more definitive in distinguishing between certain types of particularly male black crowds. Through the use of an assertive door policy, "whoever the doorman doesn't want in doesn't get in" (John Peterson 11/5/00) they are able to exclude a certain type of 'undesirable' clientele:

JP: *... we've been able to filter out all the bad ones, you know, we've got a quality crowd. They have spending money, they know how to be civilised, they've still got their black culture, but they don't want to be with the roughnecks...*  
 SW: *...the nutters...* (Sarah Waites & John Peterson, Owners of the Dome, 11/5/00).

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<sup>9</sup> There is one famous example where this happened in a concert venue but it is unclear whether this kind of situation had happened in the venues concerned.

This statement distinguishes between a black clientele who have spending money and who are ‘civilised’ and those who are considered to be ‘roughnecks’. In one sense, this is a clear class distinction but distinctions based on notions of ‘civilised’ behaviour also have strong racial connotations (Solomos 1986, Gilroy 1987). Local perceptions of social order from owners and the police not only follow class and racial distinctions, but also gender ones in the black population. Walters, for example, claimed that the one West Indian public house in the centre, visited predominantly by older black men and families, was under control because it was run by a West Indian woman who maintained control by “nagging” potential troublemakers (Brian Walters, MET Licensing Officer, 12/10/00).

Hence, venue owners themselves make racial distinctions between certain crowds, between black and white crowds and also different types of black crowds and music. It is unclear however, how much this is prompted by the parameters of control already set by the pursuit of social order and regulation in the locality, and are merely just echoing the inculcation of that regulation. Certainly Marriot’s (Co-owner of Club 99, 18/11/99) account of the role of the police was most direct in this sense. Her reaction against certain black cultural forms was a product of the perception of violence on the one hand and police pressure on the other, and it is unclear which was prior. Other comments were more coded. Neville Hampton, for example, mentioned in his negotiations with the police that they were interested in what sort of “clientele we would be attracting. Would it be the old drug-orientated crowd?” (Co-owner of the StarBar, 29/2/00). In this account, therefore, although drugs have been a feature of both the Mango and the StarBar, it is only the former that is mentioned as having associations with drug use. Indeed, in some cases Walters seemed to be unconcerned with certain types of drug use:

*We don't get a tremendous amount of trouble because of the type of people that come into the area, and the type of music that's being played .. strangely, this head-banging stuff, for some unknown reason, I don't know why, it just doesn't seem to ... create the same violent problems as the .. the .. ordinary sort of dance music does ... I don't know why. Perhaps they're out of their heads on pills...* (Brian Walters, MET Licensing Officer, 7/5/99).

In this sense, therefore, it is not only that certain cultures are associated with drug use, therefore automatically excluded because of associations with illegality, but that differentiations are made between different types of use. In particular, rave and dance culture is seen by the licensing officer as being more peaceful. Hence discretion would seem to be employed in the way different drugs are perceived, or the levels of criminality associated with different groups who use drugs. This would seem to illustrate how the process of differentiation operates according to localised ideas of what constitutes a problem, and compares with the 'moral panic' occurring in Northern cities in relation to rave (Garratt 1998).

The perceptions of the police officers interviewed and some of the club owners seem to some extent to be mutually reinforcing. The growth of such local perceptions has an effect on local policing to the extent that certain cultures are automatically associated with violence, criminality or drugs. This particularly involves the generation of stereotypes or local stories concerning race, class and gender and, in particular, the ability of local business and the police to control events. In what ways, however, have these perceptions and associations become operationalised in licensing practice?

As mentioned previously, two interviewees, Nigel George (Co-owner of the Zebra, 24/5/00) and Martina Drake (Small (Black) Business Forum, SCCL, 30/9/99), commented

that the manager of the music venue in Southview had been told by the police that if they put Jamaican artists on, they had to clear it with the police first. According to George, one of the co-owners of the StarBar had been told by the police that they wanted the names and addresses of all black promoters (but not other promoters). Indeed, one well known face in 1980s pop music claimed locally that Hampton (StarBar) had sacked him as a DJ because he played black music and the venue did not want to attract a black audience. Possibly this is true<sup>10</sup>. If so, it may well be a product of the perceptions outlined above. Of course, as seen in Chapter Three, there have long been accusations and rumours circulating in Southview about the policing of black cultural events, such as the shebeens or clubs. In general, however, it is very difficult to locate definite accounts of local experience of exclusion in the licensing process. However, a more recent account emerged which is suggestive of the difficulty and, moreover, fear that was experienced by one black licensee. This person, Nigel George, agreed to be interviewed after some persuasion and after an agreement that the interview would not be taped or the contents revealed, for fear of police reprisals (Nigel George, Co-owner of Zebra, 24/5/00). The case is important because it highlights a definite perception of discrimination and with it some of the more contradictory relationships between the lack of transparency in the licensing process and the generation of rumours and feelings of injustice. Moreover, although it is only one narrative, it illustrates the way in which the police appear key to transfers of ownership according to their own accounts, and also the impact such practices have on potential black owners.

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<sup>10</sup> Although there may be several reasons for this rumour, such as a personal slight.

Case study of the perception of disorder in the transfer of space

Nigel George originally came to Southview to take the job of managing the SCCL funded comedy/theatre space in the church. A planned cinema project in the space had failed due to the expansion of the Roxy cinema further down the road. Needing to make money, one of the spaces upstairs was turned into a comedy club/night club, which operated with a theatre licence that allowed them to sell drinks to a certain time. According to the LC minutes at this time, Walters said that given its new role the management should apply for a full justices on-licence, otherwise the sale of alcohol should be ‘incidental to the carrying on of the theatre, and not a main source of revenue’ (LC minutes 12/12/95). However, it was noted in the council minutes that there was a problem in the delay of safety certificates (LC minutes 25/6/96).

According to George, when he applied for a new licence, the police objected. George had been in the office when the police rang up and asked the office staff if George’s name was real because they could find no evidence of a criminal record under the name that had been given. Walters had apparently told Hampton of the StarBar that the police were planning a raid, and Hampton and another key local figure<sup>11</sup> passed this information onto George. Three weeks prior to this conversation, the police had entered the premises saying that they had smelt weed (even though it was a comedy night, the lights were already up and no

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<sup>11</sup> This person, according to local accounts, acted as a middleman in local relations and was mentioned several times in connection with SCCL, the council and the police. According to one account, he had been connected to the Manchester night-time economy regeneration via the Hacienda, and had come down to Southview to instigate or, rather, make money out of the same process. However, this account was only third hand, and, whilst keeping an eye out for him (I did have a number for him), I did not actively seek to talk to him as he was a known alcoholic and ‘storyteller’ and I felt that his account would be pointless, though interesting. Unless the meeting was going to be casual, I doubted that I would access a realistic account via a formal interview process.

weed was in evidence, according to George). The police apparently then claimed that the management had been selling drinks beyond acceptable hours, and dubbed the premises a 'shambolic house' in which drug sales and after hours drinking took place. They claimed that one promotion group were 'known' dealers.

According to George's account, the police raided it again on New Year's Eve, coming straight upstairs despite the fact that other parties were going on late in other parts of the premises. However, the premises only had a license until 2am and the police came at 2.30am, by which time it had already closed.

On the 7<sup>th</sup> of January, George received a summons from the police where "it became clear" to George that, as far as the police were concerned, they didn't want him running a venue and that they would not stop until things changed. The solicitor responded saying that what took place downstairs was not in the management's control, and reminded the police that the management had attempted to evict them. The summons "went away".

I asked George why he didn't take it further, perhaps using legal action. He said he couldn't afford solicitors fees and felt he did not have enough experience to deal with it. For him, the appearance had been that the police and the council had acted together and that nothing could be done. He felt that he had wound up the police by the very fact of who he was, a black man, and also noted in passing that he refused to put CCTV in the comedy club.

It was at this point that Neville Hampton and George sat down to discuss the future of the space. Hampton wanted to take it over and George agreed to this. There is some confusion, however, as to the actual present arrangement of the venue, which adds to the mystery. In

the minutes of 10/9/98, it is recorded that George, as manager of the venue, applied for an hours extension to 3am Sunday to Thursday and 6am Friday to Saturday. The minutes record that there was no record of noise nuisance, that the current Entertainment Licence had been held since 5/8/98, that there had been reports of unlicensed parties but that they were not substantiated. However, it was also at this time that the venue turned into the club Prayer under the management of Hampton at the Star Bar. In the licensing minutes dated 24/2/00, the Prayer licensee is noted as being George, whilst the non-existent (in concrete space) Prayer Bar licensee is noted as being Hampton. Hampton himself confirmed that he was only the owner of 'Prayer Bar', whilst George seemed surprised, when asked, that he was recorded as being the licensee of Prayer. People in the locality seemed similarly confused. When the case came up in the Licensing Committee in 1998, eight people had signed letters of objection, and a leaflet was circulated in Southview although it was not known by whom. In a letter addressed to the council and contained in the licensing minutes, the following statement was made:

There is a large black community in Southview, members of which would love to obtain licenses with the same ease (Letter dated 6/8/98, in LC minutes 10/9/98).

The leaflet referred to, entitled 'Residents Against the Council, Residents Against Licensing Officers, Residents against Greed and Corruption' pointed to the 'fact' that two well-known promoters had applied for the job of running the venue and did not get an interview. It was given instead to the Star Bar owners. The leaflet stated the following:

As the rumours spread of a connection between licensing officers, police and those handing out government money one gets the feeling that Southview's destiny is being controlled by only a handful of people (Letter dated 6/8/98, in LC minutes 10/9/98).

The council did not acknowledge the complaints, due to the fact that the letters were anonymous, and that the objector that did appear had 'not submitted a written objection'. Council officers argued however that the objections should be heard and then the committee could decide what weight to give them. The council voted not to accept the objector by six to two, and agreed the extension by a vote of five to two (LC minutes 10/9/98).

The account is somewhat confused, in the sense that although it is known that the StarBar syndicate runs the space they are not mentioned as the licensee. However, two points seem to emerge from this account. First, that Nigel George himself was fairly convinced that the licensing officer had acted on a racial motivation to sabotage his chances of acquiring a late licence, and moreover that the only obvious beneficiary of this process was Hampton. Indeed, Neville Hampton had taken over a number of premises prior to (as already examined in Chapter Four) and since the above events. He was, for example, due to take over one of the four West Indian public houses in Southview after an agreement was made between the owner and Brian Walters, but the council compulsorily purchased it (Brian Walters, MET Licensing Officer, 12/10/00). He is also rumoured to have taken over another old West Indian venue in Southview, referred to previously as Hype, after going through two potential owners. According to George, the owner prior to Hampton (who is also part owner of Thai Heaven) had had trouble with the police. George himself commented on the good relations between the Licensing Officer and the Star Bar syndicate, and also claimed that Hampton paid money to the Police Benevolent Fund.



The second important issue to emerge from this case is the way in which the dominance of the StarBar syndicate had again provoked a public response and accusations of racism, despite the fact that the source of those accusations was unknown. Again, in the absence of transparent processes, rumours had again circulated though during the research I did not find any evidence of obvious collusion. In one sense, the processes were more open than a conspiracy theory would suggest. In the accounts given by Brian Walters it was fairly obvious that, as already seen, he felt for reasons of potential crime and disorder problems black licensees or venues should be subject to special observation. Moreover, as seen in this chapter and Chapter Five, to a large degree the council and the police rely on the cultivation of co-operative and trusting relationships between them and the licensee as a means of containment. In both these instances, issues of perception and subjectivity become key.

As already seen in Chapter Five, it is not even as if black-run or visited venues are necessarily regarded as directly criminal. However, if a venue is visited by criminals, or used by dealers to hang out in or drink in, this is seen as the licensee's responsibility; or, it may go further and be seen as directly associated with the licensee. For example, in one case, a man was refused a request to open a venue both because of its previous associations and judged on the ability of the applicant to control who enters:

*He's an old chap, nice old man, but it's always been .. the people who've had it over the years have all been criminals or associated with crime, and there's no doubt about that. The criminals just go back there, so we're doing our best to stop him. He keeps writing nice letters to me, nice little chap, His MP's written to me .. and his MP got the same answer (Brian Walters, MET Licensing Officer, 7/5/00).*

When I asked if the applicant had a criminal record, I received the following reply:

*No, he doesn't, but he's about 60 years of age. He's a frail little old black man and he ain't going to keep them out, so... we just keep trying to stop him*  
(Walters, MET Licensing Officer, 7/5/00).

Hence, because the venue was associated with criminal activity and had been closed down in the past, the police were reluctant to open the venue again particularly, it seemed, because of their assessment of the prospective owner and the prospective clientele. Unlike the transfer of the Mango to the StarBar syndicate, a place for which the previous criminal associations were not taken into account, in the above example the police effort was directed at simply stopping the prospective owner opening altogether. The question needs to be raised therefore on what basis were the two cases treated differently?

Evidently, there are various informal procedures at work within the local policing of licences. The informal application process prior to the formal one acts as a form of 'gatekeeping'. Rather than trust in the legal process, licensing authorities, particularly the police, informally control the use and ownership of cultural spaces. Within this framework, the police can manage the *perceived* potentialities of criminal or social order problems occurring. In the particular case of Southview social order problems are perceived both by the police and other concerned bodies, such as some venue owners, as connected to class, racial and even gender distinctions. This problem is exacerbated by the fact that one officer in particular has both distinct views of the above and seemingly within other limits explored power to veto and mobilise against unwanted venues and licensees.

## CONCLUSION

In summary, what seems to emerge from both Chapter Five and this chapter is that as owner or licensee responsibility is seen as the key way licenses are assessed, this has the potential to introduce a high level of subjectivity in the licensing application process. Such subjective assessments include perceived business competence, potential criminal associations and the perceived ability to 'control' premises in terms of noise or nuisances, and criminal activity. In particular, the local police play a role in assessing crime and disorder issues, and have a marked tendency to associate black culture with criminality or social order problems. As seen in Chapter Three, connections between crime, disorder and the black population were made by the police in particular (Solomos 1986, Gilroy 1987), and these seemed to influence the present allocation and processing of licenses, in so far as similar discourses were present in the locality.

The unleashing of subjectivity in the licensing process, despite efforts to the contrary, does not really affect those who either have long-standing relationships with the council (for example, in the case of the Dome, Thai Heaven, Club 99 and so on). Nor does it affect those who can exhibit the necessary signals of normative behaviour and co-operation, as in the case of the StarBar. For those who cannot find or exhibit such standards of perceived acceptability, the process is more difficult or, in some cases, impossible. Given the balance of forces described above, the consequence is a form of racial exclusion. Although not all black people are excluded from holding a licence necessarily, the process for them has historically and in the present been more difficult and black applicants tend to be treated with more suspicion. Although many of these discussions are direct, as seen in the last section of this chapter, often they are more concerned with coded expressions of what is

essentially racial stereotyping, such as in discussions of ‘responsibility’, behaviour of clientele and potential disorder problems, or perceived associations with drugs and criminality.

As a consequence, there is a greater climate of fear and insecurity for these people if wishing to set up in the area. In particular, apart from the issues already mentioned, operationally there appears to be a lack of accountability in the licensing process, both in respect to the MET licensing department and a lack of scrutiny taking place between the various elements involved. Moreover, individuals in the licensing bodies fail to reflect or examine their presumptions, such as the way that the presumed criminality of black culture as an idea has been internalised, or the way in which it is assumed that licensees are able to control their premises.

With these subjective factors at play, it is possible to see how nightlife or the night-time economy fails to reflect, in the way it would have done organically, the diversity of the population. It is particularly of note that, given Southview’s historical legacy, there is little in night culture that reflects that history. It is the argument of this thesis that it is the three elements of regeneration, gentrification and licensing that have contributed to this cultural and spatial bias and exclusion. The conclusion will consider the narrative of social change and exclusion, therefore, in relation to these three interrelated factors.

## CONCLUSION

As noted in Chapter One, attempts have recently been made to explore the *interrelationship* between economy, regulation and consumption to explain the reproduction of nightlife spaces (Chatterton and Hollands 2002). It has also been noted that the contemporary mode of such interrelations is productive of nightlife spaces that are commercial and branded in nature, rather than ‘alternative’ or experimental (Chatterton and Hollands 2002). Although such dynamics were present in Southview, this takes a different form, influenced by the nature of social relations in the locality in relation to economy, culture and regulatory practices. In this conclusion, I wish to explore two issues. Firstly, the interrelationship between economic development strategies, culture and regulation in the production of nightlife spaces in the context of Southview. Secondly, how those interrelationships have produced and reproduced social differentiation and the suppression of cultural diversity. Firstly, however, this chapter will review the key issues and debates that have arisen from the field research.

## A SUMMARY OF THE RESEARCH FINDINGS

Chapter One outlined the main contributory debates that informed the questions raised throughout this research. It examined intellectual contributions to the study of the form and process of social differentiation: first, the understanding of deviancy and differentiation as a process; second, the incorporation of nightlife into economic regeneration strategies; thirdly, the processes of inclusion and exclusion as understood by the spatial theorists of gentrification; and last, the historical problematisation of nightlife through licensing law and its renewed problematisation in the present. Each of these discourses was channelled

into the design of this thesis, explored in Chapter Two, which aimed to look at the interrelationship between cultural change, regeneration and licensing law/practice, and how this impacted upon nightlife and the new exclusions arising from the development of the night-time economy. Specifically, this was posed at the end of Chapter One as outlining the interaction between a definition of a problem, the policy solution prescribed, the process of commodification, the production of social differentiation, the definition of acceptable and unacceptable cultures, and the future of cultural diversity and experimentation.

There were distinct issues that arose from the research, discussed in Chapter Two, which are worth revisiting here. The research used qualitative methods for first, the study of the interrelationships described above, and second, the study of process and practice. This required a fluid conception of time limits, a continual interaction between different methods in the research process itself, and the use of diverse and layered sources of data - including 'popular knowledges' (Foucault 1980:82). The research was also revealing in the way that it highlighted for myself the meaning of insider and outsider statuses. This not only revolved around having to negotiate different roles in different contexts and spaces, but also illustrated the difference between being inside institutions compared to being an 'outside' researcher. A last point worth highlighting is the difference between 'lived realities' and research, particularly concerning nightlife. This means that it is important to illuminate that doing research and actual participation are different standpoints and will reveal very different perceptions, particularly within night culture. It is important for a researcher to have experience of both standpoints to create relevant research.

Chapter Three examined the discrimination encountered by Caribbean incomers in the post war period in terms of jobs, housing, business, leisure, and importantly policing, which

formed the context for the 1981 uprising. Black people had encountered a 'colour bar' in existing entertainment outlets, and so had set up their own. However, these premises, whether licensed or unlicensed, as in the case of the shebeens, encountered hostility from local residents and attracted attention from the licensing authorities and the police. It seemed that initially this was presented as a conflict of 'cultures' related to noise and 'nuisance'. However, during the meeting held to inquire into the causes of the events of 1981, such premises were also referred to as centres of revolutionary activity and outlets for criminal activity. As far as records show, the police spent a considerable amount of time visiting and investigating these clubs, and various interests sought to close them down. These social and historical contexts were important to the research because they form the background and substance of the way in which the management of space was understood in Southview (in terms of desire to normalise space), and in relation to the evolution of racialised discourses.

Chapter Four discussed two, perhaps distinct, issues. It attempted to outline development with regard to the shebeens in the 1980s. From accounts given, there appeared to be three main ways of reclaiming spaces used for unregulated entertainment activities. First, the continued use of raids by the police. Second, the use of increased penalties under new noise legislation in 1990. Third, an Urban Programme, which seemed orientated towards normalising business relations. The chapter then turned to the conflicts that emerged through the Southview Challenge Company Limited (SCCL). Partly these conflicts were discussed as being intra-institutional, a product of SCCL's stated desire to alter local institutional arrangements. Conflicts also occurred on the Board, which were expressed in a personal fashion but at their core they seemed to be conflict over the vision and funding strategies of the Board. SCCL was orientated towards setting up a 'tourist' based economy.

which entailed attracting external finance and engaging in a repackaging of Southview's image. Critics, however, pointed to a short-sighted policy that sidelined local business, the community, and black culture. Such conflicts were important to examine because SCCL was held to be responsible for the direction of change, of which the night-time economy was such a visible part.

Chapter Five explored the evolution of the 'night-time economy' in Southview and essentially places into context the disputes described above. It began by asking what impact SCCL had on the development of the night-time economy. Although there had been long-standing venues in the area that formed part of the new 'dance club/bar' economy, SCCL did have a role to play in a number of key aspects. First, as explored in Chapter Four, it had a distinct funding strategy, which impacted upon the night-time economy in the sense that it tended to fund particular types of projects. In particular, the StarBar exemplified this strategy because it represented on the one hand the transfer of space (and particularly the important role of the police) to a new type of venue, and on the other both expanded, and, was the first of a swathe of new dance bars in the locality. Second, as examined in Chapter Six, SCCL encouraged a dialogue on licensing with the police, and heralded a new approach to opening hours. However, alternative networks did exist that were not reliant on SCCL (for example, the Dome). Moreover, the strategy would not have been successful without the incoming population of young professionals and 'tourists' who were attracted by Southview's 'frisson', as explored in Chapters Three and Five. This population shaped the locality because of the peculiar culture they embodied: on the one hand, an attraction to the area because of its diversity and 'multiculturalism'; but on the other a use-orientated relationship to the area as a means of acquiring 'subcultural capital', all punctuated by fear. Spaces in Southview were perceived to be predominantly segregated, and indeed the styles



of venues represented a desire to attract different kinds of audiences. Hence, this chapter aimed to outline the kinds of cultural and social dynamics nightlife and the night-time economy are subject to.

Chapters Six and Seven explored continuity and change in licensing regulation. The chapters are formally divided into the formal application process (that which is visible and accountable) and informal processes (that which is invisible and unaccountable – the role of subjectivity and practice). However, they both aimed to unpack the operationalisation of new forms of differentiation that acted upon different kinds of licensee. One way of looking at this is the tension between measures that aim at legalistic standards of fairness and equity, and those that assert new moral frameworks that impact in particular on those licensees (normally black) who are seen to be outside of them. In terms of standards of fairness, Chapter Six examined the move from ad-hoc procedures to standardised administration; the deregulation of licensing hours; the prioritisation of health and safety with few ‘risk’ management procedures; the conception of noise as a technical issue of recording and balancing of interests; and the desire for non-moral applications of ‘fit and proper’.

However, these procedures all reflect, in a new form, moralisation strategies. For example, extended licensing hours were only acceptable if the licensee was conceived of as being responsible; and in addition, regulators were only interested in late licensing as a form of social control and business strategy. Health and safety measures could only be instituted with a substantial level of capital investment, and was itself concerned with ‘responsibilisation’ (Garland 2001: 124) (the inculcation of perceived responsible practices by the licensee). With noise nuisance, there was a strong concern with clientele behaviour

for which the licensee was deemed accountable, and anti-social behaviour. Moreover, little account was taken of the reasons for residents complaints and the role of the police and some councillors in motivating complaints. Lastly, in the case of the 'fit and proper' category, there was a strong concern with the perceived ability of a licensee to control his or her premises, and business competency set an explicit standard of moralisation for some regulators. In summary, such moralisation strategies can be described as concerned with responsibility, cultural and social behaviour, economic normativity and social order.

The corruption of the application of fairness does not end here, however. In Chapter Seven, other informal processes were explored. First, the concern with limited resources within the MET led to the categorisation and targetting of particular 'problem' venues based upon the amount of complaints received. Second, the relations between the licensee and the licensing authorities, which guaranteed a degree of self-governance, depended largely on time and perception. Third, there was an unwillingness to question police objections in the Licensing Committee. This is problematic because of the way the police operated. There are two distinct problems here. First, the police operated an informal applications process prior to the formal, which acted as a form of gatekeeping. Second, the reasons for police objections were rarely subject to critical appraisal. However, as seen in the research, Sergeant Broan Walters had significant power, and his decision making was governed by a perception of the criminal associations of potential licensees, the nature of the space they wished to inhabit, and the particular cultural forms promoted including the clientele. Moreover, there was a strong association made between black cultural forms and criminality.

The processes examined here are important because they illustrate the continuities (racialised discourses) and change (new forms of differentiation and moralisation) that

operate in conjunction with cultural changes and regeneration strategies. Moreover, it highlights the way in which these interrelated processes govern the use and ownership of space. These interrelationships will be explored in the remainder of this conclusion.

#### THE INTERRELATIONSHIP BETWEEN ECONOMIC DEVELOPMENT STRATEGIES, CULTURE AND REGULATION IN THE PRODUCTION OF NIGHTLIFE SPACES

An important point to note initially when considering how these differing aspects of the social structure and consciousness interrelate is the problem posed by the nature of 'strategy'. Lovatt (1996) claimed that in the context of Manchester, the mechanics of 'Fordist' regulation of nightlife was deliberately conceived rather than spontaneously reproduced. Searching for a perspective on this dilemma was also important in Southview, mainly because of the way in which power was understood in the locality to be conscious, deliberate, and the objective of racial discrimination and marginalisation. This was the context of many of the rumours and discussions set in motion regarding corruption and favoured treatment referred to throughout Chapters Three to Seven, and was referred to by Ellison, for example, as the difference between 'overt' and 'covert' strategies.

However, on balance, whatever the outcome of the events set in motion from 1981 or even earlier, it is difficult to substantiate the presence of long-term and unified objectives in the process of change in Southview. There was no particular plan to convert the centre from a predominantly (where possible) Afro-Caribbean night sector to a playground for white professionals. Networks were established, particular individuals were key at particular points in time, and discussions were had in the locality, but these were temporary

allegiances, policies or inputs. A key figure in the council included Terrance O'Leary who was simultaneously chair of the Licensing Committee and the planning committee, but who later was only really involved with planning. This individual seemed key, as illustrated in Chapter Six, because he came from the perspective of the need to reform in favour of deregulation. John Peterson of the Dome was also a key 'cultural entrepreneur' who again favoured deregulation and who used governmental networks to push his case. However, like other entrepreneurs such as Peter O'Brien from Thai Heaven and the Zebra and Neville Hampton from the StarBar, he limited his involvement from a lack of long-term interest. The only multi-agency strategy that emerged from the interviews in relation to the night-time economy occurred within the Executive of SCCL, who claim to have promoted it as an objective and attempted to persuade the police to review its licensing practice. However, as Chapter Five illustrates, the impact of SCCL on the transformation of the night sector, although relevant, was limited.

How can the process of change be understood in Southview? It is the suggestion of this thesis that such change was the product of the interrelationship between a number of disparate narratives involving social and economic contexts, organisational practices that were bound by legal strictures and interpretations, and local consciousness or subjectivities.

For example, the stated intention of SCCL was the desire to promote 'multiculturalism' in Southview. Yet in practice, because of their intention to alter the way in which local administration and funding practices had operated, and moreover because of the strictures imposed on them by Central Government and the form that City Challenge funding took (such as the demand for high match funding), the opposite effect was created, particularly in the case of the night-time economy. It is also the case, as examined in Chapter Five, that

the development of the night-time economy could not have occurred without the existence of a functioning cultural sector nor without the influx of young professionals into the inner city (Butler 2001, Chatterton and Hollands 2002).

A recurrent theme throughout this thesis was the way in which action, interpretation and policy were influenced by a long-forgotten historical teleology. As examined in Chapter Three, Southview became defined as a 'deviant' area. If we take for granted the perspectives of Gilroy (1987) and Hall (1978), this evolved from the definitions of nationalism derived from Britain's colonial past and present, and the perceived need to 'crisis' manage through the reinvigoration of 'law and order', which disproportionately affected 'immigrant' communities in the post-war period. Such issues impacted upon nightlife through exclusion, which necessitated the development of alternative night spaces, and the greater attention these spaces received from regulatory bodies. The 1981 'riot' derived from such diverse problems of policing and general discrimination, but also set in chain, through the institutional reaction, a renewed 'problematism' of space and social groups, exemplified in the way the authorities viewed the 'no-go' area of the front line (Solomos 1986).

The discourses established from those events, and the reaction to them, seem to define the parameters of regeneration, licensing and policing. As can be seen in Chapter Four in particular, the Urban Programme of the late 1980s and the City Challenge programme of the 1990s had a strong flavour of 'normalisation', although again in differing intent. Whilst reports throughout the 1980s stressed the way in which the council and the police worked together punitively to clear away the 'shebeens' (Keith 1993), Ellison, from the Planning Office, claimed that he was involved in 'bottom-up' reform that attempted to negotiate with

all aspects of the ‘community’ and to reintegrate criminal activity. Whilst being an innovative strategy, however, it is impossible to find confirmation elsewhere. Although not intended, the City Challenge programme that began in 1992 stressed the need for a high private to public ratio of match funding and for a particular kind of business competence. In addition the perceived need for an input of capital sources from outside Southview was seen to have sidelined ‘local’ initiatives.

The way in which such historical contexts impact upon institutional practice can also be seen in the case of licensing. For example, when considering the Licensing Committee of the council, it is clear that attempts had been made to adjust the application process in a more equitable or ‘fair’ (according to the judicial process) way. Yet councillors were bound by the precedents set by both political and legal practice, with little conscious negotiation of each. The council responded to the political demands of noise regulation from residents with little understanding of what caused those complaints. Examples from Chapter Three, Five and Six illustrate the varying motivations of complaints, which varied from racism (Chapter Three), anti-racism and a complaint against the exclusive nature of the night-time economy, to reactions to nuisance and disorder (Chapter Six). In terms of legal structures, councillors and council officers worked with historically derived moral notions of the ‘responsible’ licensee (although attempts had been made to update this process of moralising in the new business-orientated approach), and the perceived ability of a licensee to control their premises.

When considering the impact of policing on licensing, it is fairly clear, as examined in Chapter Seven, that the division of labour adopted by licensing authorities acted against fairness in decision making. Discussions and objections on the basis of possible crime and

disorder issues were left to the remit of the MET licensing department, and councillors were in general reluctant to challenge such objections. Yet whilst examining the nature of decision making within this division, the nature and intent of such objections are questionable. From accounts given Walters had a powerful position in the department, and had a definite idea of what constituted a social order problem, involving judgements as to populations, style and culture. In addition, this department had 'innovated' an informal style of access to licenses, involving a prior meeting and discussion.

Yet again, however, it is the judgement of this thesis that this was not just a problem of individual racial and cultural prejudice of police officers, which has been discussed at length elsewhere (Macpherson 1999), although no doubt greater accountability would alleviate some of the particular problems venue owners face. Moreover, the problem is also not simply the routine organisational practices of racism (Macpherson 1999), although the relative isolation, cynicism and withdrawal that remains an intuitive observation of the police officers interviewed seems relevant here in their interpretation of events occurring around them. The problem is more broadly the nature of licensing law, which remains highly discretionary, subjective and judgmental, as explored throughout Chapters Six and Seven. Moreover, that the licensing police were operating within common local conceptions of which populations constituted a social order problematic.

This touches on the nature of subjectivity in the locality and how racialised discourses, practices and consciousness impacted upon the nature of change. As explored in Chapter Two, it was very difficult to access a 'truth' as to the nature of change in the locality because there were two, and perhaps more, truths. How is it possible to explain the differing perspectives on SCCL itself, and which were represented elsewhere, as to the

nature of change and the role of the Board, which broadly speaking represented a racial divide? Sarah Turner of the Tenants Forum (SCCL), who can be described in the crude indicators as a white, working-class woman, illustrated one perspective. She said she had been for years struggling for unity on her racially-mixed estate, and argued that SCCL had little choice but to act as they did - the critics were just middle-class politicians who were stirring up conflict for their own ends. Again, I felt that a closer inspection of that estate would have yielded more insight into her perspective, but perhaps such comments benignly underestimate the nature of the social divide. The feeling of lack of trust from black members of the Board, the reliance in the community on the social networks of rumour to air grievances and suspicions, the discussion of conspiracy and police brutality and discrimination or council racism and negligence, all point to, I would argue, an overwhelming lack of power and control and moreover a strong sense of that situation. The fear expressed by Nigel George, co-owner of Zebra, who in other circumstances would be regarded as an effective businessperson who should be powerful enough to express grievances, was an important illustration of this.

In another example, Sergeant Brian Walters worked on the assumption that black venues with black owners, clientele and style would be a target for drugs, violence and general illegality. The case of the Mango, explored in Chapter Five, illustrated the barriers facing particular populations. On the one hand, assumptions were made that the management were colluding in the illegal practices, but on the other Ellison, in particular, pointed out that there was little the management could do. Moreover, that they could not go to the police because they felt they would automatically be labelled as criminal, which is what actually happened. There was seemingly no way out of this predicament.



The differences in consciousness and interpretation echoes concerns raised in relation to the ‘riots’ in Bradford, Burnley, Oldham and elsewhere in 2001. The report by the Ministerial Group on Public Order and Community Cohesion (2001) noted that the causes were ‘complex and multi-layered’ (2001:17) but a central focus for the report related to the issue of ‘segregation’ (2001:12) in racially mixed communities. Although they argue this may relate to geography, fear and prejudice, and a lack of choice in housing, jobs and schools, they also note an element of ‘choice’ in such divisions (2001:13). Butler (2001) in relation to Southview also noted the way that different communities co-existed in a tectonic fashion (as outlined in Chapter Five). An answer, based on this thesis, would seem to lie in the very different experiences of different populations, amounting to two different perspectives or truths within the same ‘reality’, and grounded in racial discrimination and fear.

In summary, therefore, the conversion of nightlife spaces that took place in Southview was one, it is argued, that was highly contingent and should be examined as a very complex and specific process. Whilst there were elements of strategic thinking involved, as already outlined, these were dependent on a multitude of other processes and influences. Indeed, this would seem to highlight what has been noted elsewhere, that is, the need for a consideration of ‘complexity’ (Parker et al 1998: 10) in governance. Working on specific and limited organisation goals and remits, and framed by long-standing legal objectives of which the rationale is often forgotten, a ‘rational’ social policy cannot be possible. Or to put this more specifically, there is likely to be a dislocation between organisational goals and outcomes. This will be developed further in the following section.

## THE PROCESS OF DIFFERENTIATION IN THE PRODUCTION AND REGULATION OF NIGHTLIFE

While the process of change described above can be described as contingent and unstrategic, it also demonstrated a logic that is exemplified in the way that the interrelationship between economy, law and culture has important consequences in the conceptualisation of the production of space. Harvey (1985) and Zukin (1989) depicted the colonisation of space as a necessary process of capital accumulation, and this has parallels with the process of change in Southview. In contemporary accounts of this process of differentiation, the ‘normalisation’ of nightlife, that is, its commodification, produced differentials between branded spaces, alternative spaces and ‘dangerous spaces’ – those of the perceived ‘underclass’ (Chatterton and Hollands 2002). In Southview, much of the nightlife there can be described as ‘alternative’ (independent operators who have created partnerships or syndicates) with black-owned spaces, particular those with particular cultural forms, operating as the excluded ‘other’.

Having already argued that the process of change can be described as spontaneous, nevertheless there is a strong relationship between the operation of licensing law or regulation and the process of incorporation, commodification and exclusion. The centrality of the role of law in this way has been noted by Lovatt (1996) and Chatterton and Hollands (2002). However, the role of this thesis has been to explore more intimately the way that licensing law and practice expresses and reinforces commodification and the seizure of space. Essentially, it argues that revalorisation is conceived of as a guarantee of social order, a technique of ‘normalisation’ in the course of which new forms of exclusion arise. The differing institutions involved, specifically in the case of this thesis the local council

and the police, whilst not necessarily acting in conscious conjunction, nevertheless serve to channel this process. This section will firstly look at licensing law and practice, and will secondly examine how the new forms of differentiation between populations are an outcome of these processes.

As seen in Chapter Six and already mentioned in this conclusion, the council did make sporadic attempts to equalise the treatment of licensing applications by reviewing its procedures, attempted to balance the interests of residents and business with regards to noise and nuisances, and argued against ad hoc character evaluations in the use of the 'fit and proper' category. From some quarters also it was ideologically committed to deregulation and private investment, which made the idea of 24-hour licensing permissible. However, a number of factors mitigated against that equalisation and mediated the deregulatory measures. First, it had an evolving interest in extending regulation around noise and nuisance, whilst not assessing the content and nature of complaints (that is, the motivation behind such complaints and against whom were they being made). Second, the categories of fit and proper person were not abandoned altogether but were reinterpreted in two ways which appeared to be mutually reinforcing. This involved judgements as to whether the applicant had business competence, and interrelatedly, whether they were perceived as being able to control the premises. To put it bluntly, an interest in profit was seen as a guarantee of an interest in maintaining order, although the ability to control the premises was used in a variety of speculative ways, as seen in Chapter Six. Third, both the council and the police had been evolving a system of regulation around the perception of licensee 'responsibility'. Indeed, this point was not lost on the nightclub owners who aimed at cultivating good relationships with licensing bodies as a means of maintaining those perceptions, as seen in Chapter Seven. As such, then, the process of the deregulation of

time also involved the extension of subjective interests and perceptions in relation to the licensee, that is, a process of *greater* discrimination around some key operationalised categories of competence and control.

To add to this, however, there was a secondary level of control in operation in the locality, as explored in Chapter Seven. To some degree, this was the result of an unwitting characterisation of ‘problem’ premises due to the way in which resources were distributed by the police. More importantly, however, the MET licensing department seemed to act as gatekeepers to the formal application process, which was compounded by the division of labour adopted between different elements of the application process of the council and the police, and the way in which expertise in licensing matters was seem to be the preserve of Walters. It is here important to re-examine the way in which social differentiation was expressed by this officer, council personnel and club owners.

A key category used by the police in particular concerns an actual criminal record, a history of criminal activity (which may not be proven) or associations with ‘criminals’. Another factor viewed was that the space in particular would become susceptible to criminal activity; for example, used by drug dealers. The officer would examine what kind of events the applicant would want to hold. Walters did relate potential and problematic criminality to race and the cultural forms perceived to be the norm for black people, such as the use of drugs (whilst being fairly relaxed about the use of drugs in the white population), overcrowding at events and spontaneous violence. Such perceptions were echoed by some club owners who made a strong distinction between quality black crowds with money and those involved with the rap, reggae and ragga scene or what were alternatively described as ‘roughnecks’ or ‘nutters’. In other words, there seemed to be an evolving perception of a

relationship between criminality, violence and race combined with an evolving local description of problematic cultural forms and discriminations between different classes of the black population.

Although this thesis involved the splicing together of different sources and types of information because of the hidden nature of the subject (see Chapter Two), a perhaps not so tentative hypothesis would be that the process of licensing regulation involves a series of subjective judgements that, in the context of the social relations of Southview, took a racial and class form. Although subject to generalised discrimination, according to the account of Nigel George, the proposition is that distinctions are made between different classes of the black population in Southview. In the context of the night-time economy, this concerns a perceived ability to consume (and therefore not a ‘troublemaker’) in the case of punters, and perceived business capability and freedom from ‘criminal associations’ in the case of applicants. In this latter case, such an insistence will naturally cause problems for black applicants when the black population is disproportionately represented in the criminal justice system and spaces that are run or visited by black people, according to accounts given by the local MET licensing department, attract police attention.

Again, such events intimately portray the long and evolving relationship between perceptions as to the source of social order problems (Fielding 1751), legal regulation and ownership. Chatterton and Hollands (2002) note that licensing authorities view organised business as more trustworthy and therefore more likely to encourage their existence. In Southview such perceptions and practices, combined with rigid economic development plans, and reinforced by trends in consumption, have seemingly produced the outcome of racial and cultural marginalisation in the night-time economy. Moving on from the social

democratic period which formed the backdrop for the creation of marginalised social groups in the post-war period, it appears as if this case study explores the redefinition of social differentiation through the economic, cultural and legal naturalisation of the market - in essence, as outlined in Chapter One, the other aspect to the process of 'normalisation'.

## POLICY IMPLICATIONS

As illustrated in the two previous sections, two key points have emerged. First, the way in which any consideration of the regulation of nightlife should take account of the way in which the interrelationship between culture, economy and regulation impacts upon its reproduction. Second, that the regulatory forms developed have historically and contemporaneously tended to reproduce social differentiation. In the context of a growing social and academic reaction to the 'night-time economy' and proposed legislation based upon the White Paper cited in Chapter One, what implications does this have for policy both within the field of urban development and licensing law?

It would seem pertinent that policy should consider that regeneration strategies on the one hand, and licensing law on the other, does not impact upon nightlife in a linear fashion.

As examined in Chapter One, for example, most discussions of licensing law and practice revolve around the perceived need to contain disorder and promote safety and security.

More perceptive commentators, for example, Hobbs and Hall (2000) do perceive a relationship between commodification and excessive consumption, and the solution proposed as a greater involvement of the police. Yet, if it is the case that licensing practice only serve to reinforce commodification by creating demarcations, does the solution lie in its strengthening or extension? If we accept the proposition that licensing law was

innovated as a form of social control of particular classes, which in the case of entertainment licensing Fielding (1751) certainly argued that it was, it would seem that the rationale for licensing law needs to be re-examined from the perspective of both the promotion of cultural experimentation and diversity and, alternatively, need. In the case of the latter point, it would require an examination of the reasons for the innovation of particular elements of licensing law, and their necessity and impact in contemporary practice. More concretely, licensing authorities would need to reconsider the normative assumptions made about different ‘subcultures’ and night spaces, with an aim to encourage rather than marginalise them. It is these spaces that contain the *potential* for developing a different culture from that of simple excess, having a different rationale from venues geared around profitability. This would further require a reconsideration of key moralising concepts within licensing such as ‘fit and proper’ person and the idea that a licensee is culpable for problems that take place within or around their venue. A supportive rather than suspicious disposition would be necessary from licensing authorities. Also, a key point to note is the impact of a lack of genuine multi-agency thinking and working within licensing. The councils general acceptance of the objections raised by the MET, and the lack of information sharing and suspicion that lies at the core of such acceptance, is a barrier to dealing with normative assumptions that ultimately serve to suppress cultural innovation and diversity.

Moreover, more research needs to be conducted by local authorities, given their proposed key role in licensing decision-making (Time for Reform 2000) and their implication in noise and nuisance disputes, to the social demands of a reduction in noise, nuisance and the promotion of ‘security’ and ‘safety’. In Chapter Five, some of the manifestations of cultural fear and safe practices were observed, specifically in the choice of venue, the

venues significations, and the level of social mixing. Chapter Six also noted the local concern with noise and nuisance issues, and the demand for council action. The boundaries of fear as observable in nightlife spaces and areas have also been noted elsewhere, as seen in Chapter One. It is perhaps a weakness of this thesis that the mechanics of fear and the demand for safety could not be investigated further. However, if the construction of policy and practice is influenced by the vagaries of history, subjectivity and routine, then perhaps this must also be the case for these issues also? It is important for councils to investigate and uncover the complaints rationale.

These issues are not simply related to licensing, however. One of the themes that emerged from this thesis was how engagement in nightlife promotion served as a form of social mobility - for those who were able to take advantage of new opportunities. It would seem relevant for councils, who are concerned with social regeneration, to consider more closely and think more broadly about whom could potentially take advantage of funding.

Moreover, the costs involved in renting space, paying for licences, health and safety measures and noise control, and who this excludes? For councils serious about developing the night-time economy, it is clear that its success is dependent on an existing and dynamic culture or subculture, as seen in Southview and elsewhere, for example, Manchester, not least that which concerns youth. In considering the dynamic of subculture, it seems obvious that innovation does not derive from business. If the aim were to encourage alternative cultures, however, this would mean either a reconsideration of the costs involved or financial support.

In summary, therefore, this section and indeed the chapter as a whole has examined what occurs in and from the 'interstices' of the interrelationship between economy, culture and



regulation. One outcome is that new social differentiations and exclusions evolve and will possibly in future play their role in the consolidation and articulation of new initiatives. A key issue to arise from this, however, is a consideration of the impact of regulation not just on the alleviation of fear and the provision of security, but on the protection and development of experimentation and diversity. This is the, often, missing element of public and policy discourse on licensing and nightlife which this thesis has attempted to address.

## APPENDIX A

### INTERVIEW SCHEDULES

As outlined in Chapter Two, the schedules evolved over time (acting as an aide-memoir as is the case for semi-structured interviews). The following will illustrate in square brackets what was added to the schedule or if radically altered will outline the schedules separately with dates. Not all interview schedules have been included but the following provides an example of the alterations over time.

#### Southview Challenge Company Limited

- Individual: role, history, what do now [any existing connection to area] [why involved in challenge].
- Setting up of SCCL: how problems of Southview viewed (positives and negatives), what were priorities and how developed? how relate to overall vision? [relationships to central government, borough council, business, community groups] [incentives to business] [why bid accepted from central government]
- Cultural projects/NTE: what do bids have in common, if anything? how bids assessed (why bids accepted)? were projects expected to have a particular style? what projects not accepted and why? who assessed these projects? [how external sources of funding identified & who by].
- Licensing laws: any input into? 24 hour city? any discussions on board?
- The board: unified or disagreement about ends/projects funded (what project proposals taken to the board)? how much influence did you feel you had (on board externally)?

- On reflection, how feel about involvement?

Shortened interview with Chief Executive seen by interviewee prior to interview -  
questions explored as follows:

- Your role and experiences on SCCL. General vision of the board and how this was established. How view benefits/problems of Southview.
- Discussions and actions relevant to establishing culture/night-time economy as part of sustainable redevelopment in Southview.
- Discussions and relations with other bodies relevant to culture/night-time economy eg licensing officers/police/venue owners/drug agencies etc.

#### Council Officers (Licensing/Regulation)

Interview schedule 22/2/99:

- Job/role: how long in, what regulate (noise, licensing, doorstaff, drugs, health and safety)
- Main changes in Southview over 10-15 years e.g. type of venue, impact of SCCL, changes in licensing practice, partnerships.
- Licensing: 24 hour city – does it exist? when changes instituted, how come about, role of regeneration strategies in, if any, where pressure come from (police, bars, population), how did particular clubs get late licences (process)? Role in dealing with unlicensed venues? What most important licensing function? Role of new legislation

e.g. use of medical staff, drugs education, water, doorstaff regulation? Any pressure for?

- Drink by-law: why introduce? who involved in making it/policing it? reactions of venue owners/locals? impact so far?

Interview schedule 27/1/00 (for borough solicitor):

- How long BS? who did this before? who liaise with in borough council/outside borough?
- What do you understand by the role of licensing? [What has changed?]
- Legislation/cases/guides/circulars use for PEL's (e.g. LG Act 1963, PPE(L) Act 1967, EL (IP) Act 1990, EL(DM) Act 1997). Custom e.g. objectors
- Other issues: health and safety, noise, doorstaff, drugs.
- What are frequently difficult issues of interpretation for LC if any e.g. nuisance, fit and proper, fees, standard conditions, disorder (note C&D Act).
- Frequently arising issues in licensed venues & action taken.
- Successful and unsuccessful prosecutions.
- Other bodies consult (police, fire, residents) – how interpret law and weight given to each?
- 24 hour licensing
- Illegal parties – remit?
- Zoning

### Licensing Committee

Interview schedule 10/10/99:

- How long on committee? what feel there to do? qualification for?
- What criteria most concerned with in EL applications? (noise, H&S, doorstaff, drugs and alcohol, crime, fit and proper).
- What understand by these categories?
- How view idea of 24 hour licensing? role of regeneration concerns in licensing process.
- Level of agreement and disagreement with committee, police, council officers etc
- How nightlife evolved in Southview & relationship to licensing?
- Role race plays in licensing over the years? Any? e.g. specific examples of Mango, George's, Mexican Hut V new venues.

Interview schedule 16/11/99:

- How long on committee? how get on? how understand role?
- What issues important when considering a licensing application and how judge relative importance e.g. noise, H&S, doorstaff, drugs, fit and proper, regeneration, nuisance.
- How important views of club owners, police, council departments (regeneration. planning), residents are in judging an application.

- How night-time economy viewed – problems and benefits. is committee unified? social order issues.
- Future strategy in relation to licensing e.g. noise, C&D Act.

[added for other interviews historical aspect of change for interviewees who had been in the locality for a longer period of time e.g. changing attitudes on committee, conflicts, and way illegal scene dealt with].

#### MET Licensing Department

- How long in job, role, history of work in.
- How feel work has changed e.g. context of Southview, licensing issues.
- Extended licensing: how come about? from where?
- What areas remit cover e.g. noise, drugs, doorstaff, H&S, alcohol, disorder? changes in these areas over time?
- Relationship with council, venue owners, clientele, residents.
- Policy inputs.
- How draw boundaries in behaviour and activities e.g. drugs, drinking, illegal venues.
- How enforce law? how easy to enforce? use of discretion?

[Additional interviews concerned with history, for example, shebeens and role of policing in, or broader operational matters].

### Venue Owners

- Why venue in Southview? how long here? background? [type of license][what kind of venue trying to create – ambience]
- How easy to set up here? e.g. venue, law, finance, funding, ownership [changes over time]
- Response from council? e.g. hours, culture/style of venue, cost, changes over time.
- Police? (as above)
- [rules and issues stipulated by various agencies and how easy is it to meet them?][what rules seem most important to these agencies][how have rules changed over time][partnerships between yourself and agencies – level of co-operation].
- Residents and community – problems, complaints, relationship to?
- Networks involved in locally?
- How essential late license to competitiveness? [why push for later hours] Expansion?
- Perceptions of Southview over time? [How has locality created benefits and problems over time].
- [Corruption – ever encountered].

### Town Centre Forum

- Remit, policy implementation and level of autonomy?
- How access local opinion? how negotiate council verse residents? what issues are acted upon and which ones not?

- 24 hour economy – residents and forums response? response of council?
- Issues around anti-social behaviour/noise nuisances.



**APPENDIX B**

**PHOTOGRAPH OF SOUTHVIEW NIGHTCLUB**

(Greater London Council Licensing Committee GLC/DG/EL/3/R1)



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